The Solicitors' Journal.

LONDON, OCTOBER 17, 1863.

POINT DE ZELE is a warning which may be as useful to the young lawyer as it is to the young diplomatist. We do not, nor probably did Talleyrand, mean the outward show of zeal. That is most serviceable on the very occasions where inward self-command is most necessary. A popular audience, whether in the shape of a meeting or a jury, must be worked upon by sympathy; but to influence leading or understanding men, let there be no zeal. Among diplomatists there is at least one veteran living, who has still to learn the lesson, but we doubt much whether there be any lawyer rising into public life who would not regard zeal as rather a ridiculous thing in itself. It is needless to speculate upon the mental effect of a habit of paid advocacy. The subject is trite and obviously suggestive to every reader. There have been many examples of lawyers who sagaciously left the losing for the winning side of the House of Commons. One illustrious in the world of statesmen, and famous for his political changes, was he whose loss now dims the legal light of the House of Lords. His ardent support of "the rights of man" in his earlier days, when fresh from the scene of the American rebellion, his subsequent adhesion to the party of kingly power, when the only access to wealth and rank lay through Toryism, his sudden concession on the emancipation question, when both wealth and rank would have been perilled by his continued resistance, and finally, his liberal tendencies (all honour to them) in the sterling speeches of his later years, have all been recalled at length many times during the past week. We will not dwell upon them again, even in their typical bearing upon the character of political lawyers. But in none of the biographies has the intensity of Lord Lyndhurst's natural hate of the abuse of power and privilege in the oppression of a people been so fully illustrated, as by a circumstance which we had from a college friend of Copley, the undergraduate of Trinity,—one who, though not a lawyer, is well and kindly remembered at Gray's-inn, having died five or six years before Lord Lyndhurst. Their college career was during the French revolution; and no man, we were told, was a warmer partisan than Copley of the most advanced opinions of the Paris populace. At the college winings and supper parties, his speech was always eloquent in their praise; and when the glasses had been filled, it was Copley who was accustomed to join with all his heart and voice in the toast drunk by these Trinity men—to "The *Sans-culottes*."

SIR ROBERT PEEL'S very active interference in the Tamworth election, has naturally given rise to a discussion on the question, how far a minister of the Crown is justified in taking part in controverted elections? The freedom of election has always been regarded as one of the most sacred rights of Englishmen, and it has accordingly been the subject of certain resolutions of the House of Commons, which jealously protect it against every encroachment. Lord Campbell, a few years ago in the House of Lords, stated that a resolution of the Commons—that no peer has a right to vote for the election of its members—was merely declaratory of the common law; and the same may no doubt be predicated of the resolution of the 10th of December, 1799, by which it was resolved that it was "highly criminal in any minister, or ministers, or other servants under the Crown of Great Britain, directly or *indirectly*, to use the powers of office in the election of representatives to serve in Parliament." The terms of this resolution appear to be of set purpose, as vague and also as wide as possible. In order to bring the minister within its scope, it does not seem to be necessary that he should use the powers of his particula office, and its plain object appears to be, to prevent any minister of the Crown from using his position in the Government, however indirectly, for the purpose of influencing an election. Yet there is not such an absolute interdict in the case of a minister as there is in the case of a peer against "*concerning himself*" in the election of members; or in the case of a lord lieutenant of a county against "*influencing* the election" of any member. A minister, who is not a peer, may therefore concern himself in an election, and may influence it, but he may not use the powers of office for this purpose. The question in Sir Robert Peel's case, therefore, is narrowed to this simple issue, upon which it is not our business to offer any remarks.

MR. THOMAS NICOLLS ROBERTS, the Secretary to the Liberal Registration Association, has brought forward a proposal for a new system of registering persons entitled to the Parliamentary franchise for counties. In boroughs the objections to qualifications are comparatively few and simple, but in counties they are of great variety, and the effect of the present system is not only to disqualify many whose names ought to be on the register, but to confer a qualification on numbers whose improper claims pass unchallenged in counties where little attention is paid to the proceedings in the reviser's court. Mr. Roberts says:—

No claimant should be allowed to have his name entered upon a county register, without first proving, either in person or by some one duly authorised by him, his qualification. Having once done that, if he should be objected to, and should prove that no alteration had arisen in his qualification, or in his place of abode as described in the register, costs should follow the failure of the objection, as a matter of course; and this rule should apply to voters who send in new claims to correct their place of abode on the register, every other part of their description remaining unaltered—*i.e.*, if their amended claim should be objected to, they should have costs, upon proving that their qualification, &c., remained intact. By this means every *bonâ fide* voter would be protected, and every reckless objector would be deterred. I have said that, if the claimant did not appear in person to prove his right, he should only be able to appear by some one duly authorised by him; and I use that form of expression because the words in the present statute, "or some one on his behalf," open a door to the loosest possible kind of proof. Some barristers, in whose courts I have appeared, very properly construe these words to mean some one authorised by the voter. Other barristers not only allow, but invite, any volunteer to come forward in court to give evidence as to the qualification of the person objected to, although the person so objected to has taken no notice of the objection himself, nor could it be shown that he had ever spoken to any one on the subject. By this means I have known it to be the fact that persons have been kept upon the register who never sent in any claim themselves, and who did not wish, from private reasons, that their names should appear on the list of voters; and I have also known persons kept upon the register who, if they had been subjected to a cross-examination, would have been inevitably struck off.

He also suggests that all double qualifications should be disallowed. They certainly cause considerable additional expense by largely increasing the cost of printing, while they are wholly useless, inasmuch as no person can legally vote more than once upon any given register, and they notoriously open the door to personation. On the question of costs Mr. Roberts also makes the following suggestions:—

The amount as at present fixed by the statute, must not exceed twenty shillings, which amount the *Times* says "is ludicrously small." With the present system of registration—i. e., where a claimant may get upon the list without proof of his qualification—I think the amount is sufficient, and I shall probably have occasion to show in a few days that it may be used as an engine of oppression against honest objectors, by a barrister who seeks to get through his work on the high-pressure principle. If the plan I have sketched were adopted, I would fix the maximum of costs at £5, but no voter should have more than 40s. awarded to him, unless he could show that he had expended, or must expend, a greater sum to enable him to return home. If costs were to follow in all cases where objections failed, re-

vising barristers would be relieved of much difficulty, as they differ from each other as much with regard to costs as they do upon points of law. Some barristers give costs without any regard to the position of the voter or the reasonableness of the objection; others scarcely give any costs at all, even where costs ought to be given. Under the proposed system the amount would be all the barrister would have to decide upon, as he would have no option but to give some costs on failure of an objection. If public opinion is adverse to numerous objections, it has only to declare itself and compel some enactment that would accomplish what I have shadowed forth, and numerous objections would cease. It would be a great gain to political parties and to the public—the former would save a vast amount of labour and money that now run to waste, and the latter would avoid the heartburnings and bitterness of feeling that are engendered by the present system. But if the present system is to continue, there will be and there ought to be numerous objections, and I think the maximum of costs ought not to be increased. The "middlemen," of whom the *Times* complains—but who are the offspring of, and who are both necessary and useful under, the present system—would find the field for their energies reduced to its narrowest possible limits by the adoption of the new system. If it be objected that a duly qualified voter ought not to be subjected to the trouble of proving his qualification, I reply that a voter in this country is a privileged man, and if he will not take the trouble to prove his qualification once, he is not worthy of the privilege, especially when he may prove it by his solicitor, agent, or some duly authorised person.

Mr. R. Bremridge, solicitor, is a candidate for the vacant sent at Barnstaple, the nomination for which will take place on Monday. He has been for many years a highly respectable practitioner and influential resident in the town, and has already represented it in the House of Commons. Although we have got nothing to do with politics, we cannot help expressing our best wishes for his success. At the Leicester meeting the other day, regrets were expressed that the disproportion between the number of barristers and solicitors in the House of Commons has hitherto been so great, and no doubt it has been a serious disadvantage to the interests of attorneys and solicitors. A few men like Mr. Bremridge would, therefore, be a very great acquisition to our cause in the House of Commons, and the present moment seems not unfavourable for making the attempt to have them returned.

Doctor Bayford made a suggestion at the recent Manchester Church Congress, for constituting a new court for the trial of cases of Clerical Discipline. He said that the old courts were becoming more rusty every day, and it would be impossible to work them in a few years. All the jurisdiction had been taken from them; and no court could be in an efficient state which had not a sufficient number of causes to keep it occupied, and no judges or officers could properly perform their duties except they were constantly occupied, and they could not be so occupied unless they were receiving salaries sufficient that they might abandon everything else, and give their whole time and attention to the subject before them. He thought all the lawyers would agree with him in the desirability of forming a court which should conduct the trial, with one appeal only; and that this could be done only by a sort of compromise, sacrificing as little of the principle as they could. It has also been suggested that there should be a Queen's judge—one appointed by the Crown; and that the bishops, by letters of request, should bring the judge down to their diocese; but this would be passing over the appeal to the archbishops.

Sir Roundell Palmer on Wednesday last delivered a very able and elaborate address to the electors of Richmond on the questions of international law interesting to this country which have recently been raised with the Federal and Confederate States of America.

Lord Curriehill's inaugural address to the Jurisprudence Department of the Social Science Congress at Edinburgh, and several of the papers read there, are more or less interesting to lawyers; but they are so voluminous, that it will be necessary for us to deal with them in detail hereafter, as our space will permit. The greater part of Lord Curriehill's paper is devoted to the discussion of the Scotch system of tenures, and of registration as a mode of land transfer.

M. Billault, whose death has produced as great a sensation in France as that of Lord Lyndhurst in this country, like the great English orator and statesman, gained his access to public life through the Temple of Themis. For many years he was a provincial advocate in France, and afterwards was one of the leaders of the Paris bar. The following is from the *Gazette des Tribunaux*:—

At the commencement of his career he practised at Nantes for several years with great success. He removed to Paris in 1837, having been elected as deputy in three different places. In 1840 he joined the Paris bar, and soon attained great distinction by his legal acquirements and eloquence. Having failed to secure his election to the Legislative Assembly in 1849, he thenceforth devoted his whole attention to the exercise of his profession as a barrister, and soon acquired an extensive practice. His name figures prominently in all the principal suits tried during a period of 13 or 14 years, and when he definitively retired from the bar in 1852, he held a high rank among the most eminent barristers of the day. We cannot for the present enter on a full estimate of M. Billault's forensic talents; we will only remark that he evinced at the Bar all those qualities of which he had given proof in the Chamber, and which he was afterwards to display with so much brilliancy in a higher sphere. There was the same supple and comprehensive intelligence, the same simplicity and clearness of exposition, the same eloquence, polished, witty, concise, rapid, and ingenious. The treatment of great affairs, and the practical experience of the statesman only gave to his talent a still higher finish by adding to it a greater degree of power, fulness, and eloquence.

The Hon. Edward Palmer, Attorney-General, and the Hon. William H. Pope, Colonial Secretary of Prince Edward Island, N.A, had an interview on Monday with the Duke of Newcastle at the Colonial Office, Downing-street, on the subject of the land tenures of that colony.

It is rumoured that Mr. J. J. Powell, M.P., for the city of Gloucester, will shortly be raised to the rank of Queen's counsel.

Parliament was prorogued on Wednesday last until the 1st of December next.

TESTIMONIAL OATHS.

There is no fundamental or important principle or rule of English law which has been oftener questioned or more fully discussed than that which is expressed in the maxim: "*In judicio non creditur nisi juratis.*" More than two hundred years ago it was laid down, as clear law, that no evidence which was not fortified by oath and accompanied with a profession of Christian faith was admissible in our courts of justice. Thus the oath of a person who did not profess Christianity, and the unsworn testimony of one who did, were alike inadmissible in every English court. In the course of time the rule became relaxed in both respects, and the first relaxation was in favour of those who were not Christians. As oaths were instituted and used for judicial purposes long before Christianity, and are held to be obligatory amongst various nations professing Pagan creeds, it was felt to be unreasonable, as it certainly often proved to be inconvenient, to insist upon the Christian oath being taken by such persons. To do so would be in fact to defeat the very object of the rule, and to impose upon these persons a sanction which they disregarded, in preference to one of a character which might be supposed to be of the highest efficacy with them. So it became the practice to swear Jews on the Pentateuch, Mohammedans on the Koran, Chinese by the cracking of a saucer, or, in Hong Kong, by cutting off the head of a live fowl, and Hindoos, Parsees, and others, by whatever mode a witness alleged

was most binding on his conscience according to his religion. But Atheism and other forms of infidelity remained untouched by the decisions in any of these cases, and are still held to be grounds of incompetency in a witness. Sir John Trelawney has frequently, of late years, attempted to carry a measure to abolish testimonial oaths altogether, or, at all events, to alter the rule of law which makes a witness incompetent upon religious grounds. His bill, however, has hitherto been unsuccessful, and, notwithstanding its principle has been forcibly advocated by such philosophical writers as the late Mr. Jeremy Bentham, and by Mr. W. M. Best, the learned author of the treatise "On the Principles of the Law of Evidence," it is likely to remain so, for the general feeling is decidedly in favour of retaining the use of oaths as one valuable means for securing the accuracy of testimony, and also of continuing to require in the person who takes an oath the avowal of a belief in a God, and in a state of future rewards and punishments.

There are, however, many persons of adequate religious belief who either object altogether to an oath, or object to the particular form of it used in our courts of law, and various statutory provisions have been made to meet their case. The first step was to substitute (except on criminal trials) a solemn affirmation and declaration for an oath in the case of professed Quakers (7 & 8 Will. 3, c. 34). After a long interval (3 & 4 Will. 4, c. 49) it was enacted that every Quaker or Moravian should be permitted to make a solemn affirmation or declaration instead of taking an oath, in all places and for all purposes whatsoever where an oath is required, either by the common law or by any Act of Parliament. In the same session of Parliament (c. 82) an Act was passed, extending the exception to certain "dissenters from the United Church of England and Ireland, and from the Church of Scotland, commonly called Separatists." To all intents and purposes the formula prescribed in these cases amounts to an oath. In the case of a Quaker or Moravian the formula includes, but in the case of a Separatist, it does not include, a statement that "the taking of any oath is contrary to the religious belief" of the witness. The 1 & 2 Vict. c. 77, reciting 7 & 8 Will. 3, c. 34, and reciting that the privilege thereby conferred had been extended to Quakers and Moravians, enacts that it shall be lawful for any person who *has been* a Quaker or Moravian to make solemn affirmation and declaration in lieu of taking an oath, as fully as it would be for any such person to do if he still remained a member of either denomination. The form of the declaration, however, requires such a witness to state that he entertains conscientious objections to the taking of an oath, which would not have been necessary if he remained a Quaker or Moravian. The Common Law Procedure Act, 1854, (17 & 18 Vict. c. 125, s. 20), still further relaxes the general rule. It enacts that—

> If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or judge or other presiding officer, or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following; *videlicet*,
> 'I *A.B.* do solemnly, sincerely, and truly affirm and declare, That the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare, &c.,
> Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Mr. Best, in his treatise (p. 228), considers that this enactment applies only to civil cases, and that members of Christian sects, other than Quakers or Moravians, actual or ci-devant, or Separatists, are still required to be sworn in criminal cases. The words of the section make no distinction in this respect, and there is nothing in the preamble of the Act (it is, in fact, without preamble) to narrow the meaning of this particular enactment. The title of the Act, taken in connection with the interpretation clause (sec. 99), might, perhaps, have this effect, and probably this is the intention of the Act; although it is unreasonable and absurd to make such a distinction in the case of conscientious persons who are neither Quakers, Moravians, or Separatists.

If we except this anomalous distinction, we must admit that this provision in the Common Law Procedure Act has pushed the rule in this direction almost to the extreme limit short of the entire abolition of oaths. It does not touch the position of an atheist or other infidel, or in any way put an end to the objection of incompetency on the ground of inadequate religious belief; but, assuming that the witness is competent, it substitutes an affirmation for an oath, wherever the witness "solemnly, sincerely, and truly affirms and declares that the taking of any oath is according to his religious belief unlawful." There are some highly worthy persons entertaining this belief who are not members of either of the specified sects, and who are as much entitled to the consideration of the Legislature as if they were so; and, indeed, this clause in the Common Law Procedure Act is only the general expression of the principle involved in the preceding enactments; and, to all intents and purposes, it renders them unnecessary. Some misconception, however, appears to have arisen upon the proper construction of this section. A short time since a lady was a witness before the judge of the St Albans' County Court, and she objected to take an oath "not on any religious grounds," but because it was "such a frivolous matter." It has been stated by a writer in one of the daily journals that, as the objection was, in its nature, conscientious, she was entitled to substitute for the oath a solemn declaration under the Common Law Procedure Act, 1854. Now, but slight attention to the words of the enactment will show that this is an incorrect view. We have seen that the form includes a declaration that the taking of *any* oath is, according to the religious belief of the witness, *unlawful*. Unless the religious belief of the witness agrees in this respect with that of the three specified sects, the enactment does not apply. The intention of the Legislature was to give the same relief in like cases, and nothing more. A witness is not allowed to judge whether an oath is lawful or unlawful in any particular case, or to draw a graduated scale for regulating the solemnity of the sanction according to the importance of the question at issue. The former part of the section, no doubt, if taken separately from the appended form of declaration would only require the person to "refuse or be unwilling from alleged conscientious motives to be sworn," but the form of the declaration shows that the conscientious motives must have reference not to the particular case merely, but to the taking of an oath in any case whatever. Lady Glamis was evidently unprepared to go this length in the recent case at St. Albans, and therefore her evidence was rightly refused.

As the law stands at present an Atheist or other infidel, who disbelieves in the Divine government is incompetent as a witness, even though he is prepared to take an oath. On the other hand any person who is not incompetent upon such a ground, but who objects to *all* oaths as "unlawful," may make, in lieu thereof, a solemn affirmation, according to the statutory form, before any judge of any one of the superior courts of common law at Westminster "or other presiding officer or person qualified to take affidavits or depositions." The Divorce Act, 1857 (20 & 21 Vict. c. 85, s. 48), enacts that the rules of evidence observed in the superior courts of common law at Westminster shall be applicable to and observed in the trial of all questions of fact in the court; and the Probate Act, 1857 (20 & 21 Vict. c. 77,

s. 33), has a similar provision for the Probate Court. No doubt the enactment contained in section 20 of the Common Law Procedure Act, 1854, would be considered as coming within "the rules of evidence," and so we may assume that it is applicable in all probate and divorce cases. But it does not appear to apply to courts of equity. There is under the Chancery Jury Act, 1858 (21 & 23 Vict. c. 27), and Consolidated Order lxi., a similar form of affirmation to be put to a witness who has a conscientious objection to take an oath. The form is prescribed by the general order purporting to be made under sect. 11 of the Act enabling the Lord Chancellor, with the advice and assistance of the M.R., &c., "to regulate the time, and form, and mode of procedure, and generally the practice of the Court in respect of the matters to which this Act relates." Thus what appears to have required an Act of Parliament for courts of common law, seems to require nothing of the kind for courts of equity; and a witness examined orally in the Court of Chancery under the provisions of the Act of 1858, is in a different position in respect of his conscientious scruples, from what he would be if examined before the examiner, or upon interrogatories filed in the Court.

Mr. Sidney Smith, in his work on the Practice of the Court of Chancery (6th ed. p. 938) assumes that affidavits in chancery may be *affirmed* under the Common Law Procedure Act, 1854, s. 20; but if he is right, Mr. Best must be wrong; for it is clear that the words of section 20 must be construed either as applicable only to proceedings in the superior courts of common law, or else as of universal application. If the former be the correct construction, an affidavit or answer in chancery cannot be affirmed under the provisions of the Act, or otherwise than under the provisions of the previous Acts relating to the three specified sects which are admittedly of general application. On the other hand, if the words of section 20 are not to be narrowed by the title of the Act and its interpretation clause, but are to be taken in their absolute meaning, then conscientious persons, who are neither Quakers, Moravians, nor Separatists, may be affirmed in criminal as well as in civil cases. Theoretically the rules of evidence are the same in civil and criminal courts, as they are also in courts of common law and equity, and we cannot believe that the Legislature has intentionally introduced these doubts and difficulties, as they are really without object or purpose, and are probably the result of carelessness or accident. Perhaps, indeed, they are unavoidable, so long as alterations in our law involving general principles are made in particular departments, without regard to the extraneous effect. But nothing would be easier than to pen a clause embodying such provisions as are contained in section 20, and, at the same time, to make them applicable universally.

COUNTY COURT PRACTICE.

II.

In our last number we called attention to the difficulties in the way of recovering legacies, &c., in the county courts. Our object was then, as it is now, to call attention to the present law, and thereby to render practical assistance, at the same time pointing out remedies where they are needed, and though our remarks may appear to aim rather at the latter object, we trust we do not fail in our endeavour to be practically useful.

1. As to the absolute impossibility of using an *equitable defence* to an action in the county court. Section 83 of the Common Law Procedure Act, 1854, which for the first time introduced this class of defences in actions at law, is wholly confined to the superior courts, and even there we noticed a little time ago (*ante* p. 871,) that the power of pleading equitably is defective. But in the county court no equitable defence is allowable. We cannot perhaps better illustrate the importance of the defect we have just mentioned, than by referring to the equitable defence arising in cases of suretyship. It is notorious that persons in the poorer classes are continually becoming answerable one for another in all kinds of ways. Individually having little or no capital, they are driven to render each other mutual help. The equitable doctrines touching suretyship which have been imported into our superior common law procedure, are of the greatest consequence, and they would seem to be particularly needed in the county courts where so many cases arise that ought to be determined by the principle of those doctrines. Take, for instance, the case of a joint and several promissory note, given by two or more persons to a loan society, only one of the makers of the note being the borrower, the others being merely sureties. At law, all these makers would be considered as principal debtors; each being as much answerable as the others. Yet the substance of this exceedingly common transaction is very well known to be that the sureties are not to be called upon unless the real borrower is in default. But still the creditor may, at law, treat all as his co-equal debtors; and therefore, at law, he may give the real borrower time, and may otherwise so act with him as to prejudice those who in reality only intended to be sureties. Now whilst equity will construe such a promissory note as we have just mentioned, in the same way as a court of law, yet the more liberal jurisprudence of equity will also look at the substance of the matter, and if it finds that some of the nominal principal debtors were merely sureties, then if any arrangement take place between the creditor and the real borrower, whereby such sureties are prejudiced, this will, in equity, be regarded as a fraud on the latter. Accordingly, giving time to the real borrower, without the sanction of the other makers of a promissory note, who were really only sureties, though nominally principals, will, in equity, discharge those sureties; and this equitable defence may, in the common law courts, be made use of under section 83 of the Common Law Procedure Act, 1854 (*Pooley* v. *Harradine*, 5 W. R. 405; *Greenhough* v. *McClelland*, 8 W. R. 612.)

Such a defence as this, and the other equitable defences available in an action in the superior courts, ought also to be available in the county courts. Nor does there seem to be any technical difficulty in the way of equitable defences in the county court. Let such a defence be added to the present list of special county court defences, and make it necessary before using it for the defendant, as in the cases of set-off, &c., to deliver to the registrar notice in duplicate of his intention to rely on an equitable defence, which notice should contain a brief statement of the facts on which such defence may be intended to be based. One of these notices would be sent to the plaintiff, and thus all parties would be fairly before the court, and complete English justice could be done. It has often been said that the county court is a court of equity rather than law; but we think we have, in the single instance before us, shown enough to establish the reverse of that saying. But so obvious a measure of reform as we are here advocating will, we should think, ensure for it a speedy adoption.

Meanwhile, and until the reform we have urged be carried out, professional men will of course use the law as they find it; and where there is any reasonable chance of an equitable defence being raised, plaintiffs will be prudently advised to go to the county courts in all cases not exceeding £50; and even when the claim exceeds that amount, it will often be wise to abandon the excess in order to have resort to a tribunal where equitable defences are not allowed. We must however add, that before abandoning any very considerable excess, the plaintiff's adviser will consider the chance of the cause being removed into a superior court, under section 38, 19 & 20 Vict. c. 108, and of the defendant objecting to try in the county court under section 39 (*ibid.*).

2. A minor omission in county court law is the want of provision to meet the case of an action on a *lost negotiable instrument*. At common law the loss of a negotiable

instrument was an answer not only to an action on the instrument, but also to an action on the original consideration of it (*Crowe* v. *Clay*, 2 W. R. 304); but such a defence must have been specially pleaded, and it seems that it was not available in an action on a lost *non*-negotiable instrument (*Charnley* v. *Grundy*, 2 W. R. 327). But section 87 of the Common Law Procedure Act, 1854, declared that a judge might order that the loss of a negotiable instrument should not be set up as a defence, provided a satisfactory indemnity be given. Thus the rule at common law is this—the loss of a non-negotiable instrument is of no use to the defendant; but if it be a negotiable instrument he can plead the loss specially, which will entitle him to a verdict unless the plaintiff gives a satisfactory indemnity under a judge's order to be obtained for that purpose. Why should not this reasonable rule be extended to the county courts? And this is a real case of hardship as was shown in the case of *Noble* v. *The Bank of England*, 11 W. R. 916. Though there is not the smallest chance of recovering in an action in the county courts on a lost negotiable instrument, yet the case just cited rules that the action is not one "for which a plaint could not have been *entered*" in a county court, and therefore a judge cannot certify for the costs of an action in the superior courts under section 12 of 13 & 14 Vict. c. 61.* Thus, if you lose a negotiable instrument under the value of £20, you will practically be without a remedy, unless you can bring the case within the concurrent jurisdiction of the superior courts under section 128 of 9 & 10 Vict. c. 95; for unless this latter section applies you will be in this dilemma,—you cannot go to the county courts, for there you will certainly fail; and you cannot go to the superior courts, for there you will have to pay your own costs. As Pollock, C.B., said in the case just cited, this is unquestionably a *casus omissus*, and we may add that it is one which ought to be supplied. But until it *is* supplied practitioners may gather some useful hints from our remarks.

Next week we shall conclude our remarks on the loopholes and imperfections in the law and practice of the county courts.

LEGAL COLLEGES IN ENGLAND.†

Legal Instruction in the Inns of Court.

(*Concluded from p.* 891.)

The communities of lawyers, whose constitution and regulations I have here described in detail, are not the only unions of their kind. As an appendix, therefore, some short remarks are here given upon a number of other institutions, partly connected with these, partly standing independent by their side, and which, serving objects of the same nature, are ordered in a similar manner. These are the Inns of Chancery, Serjeants'-inn, King's-inns in Ireland, and the Scottish Faculty of Advocates. Some cursory observations follow upon the position of attorneys and solicitors.

The eight so-called Inns of Chancery are situated in London, near the four Inns of Court. They are considered only as dependencies of some one common community. Their original position was that of subordinate institutions. In former times, the student was first admitted into one of them and here received the earliest instruction. From thence he moved afterwards into the corresponding superior institution, as into a higher school class. This relation has, however, long since been altered. The reception now takes place at once into the Inns of Court. The Inns of Chancery have no longer any real importance and no one knows now exactly what they are. The buildings are still standing, and represent a certain value as property. To this circumstance they appear to owe their duration. With patient piety they have been dragged through the centuries like so many worn out and useless institutions in England. They do no one any harm, and why should any one deprive them of dear life? They are partly in the hands of the attorneys and solicitors, and it may be remarked that they were always accessible to the profession, while the Inns of Court, as stated above, are closed to them.

Above the grade of barrister stands—as the second of the common English law—corresponding to the Doctor of civil law—that of a Serjeant-at-Law—*servions ad legem*. Whoever acquires this grade, ceases to be a member of the Inn of Court to which he previously belonged. The grade cannot be acquired by undergoing an examination, nor at the will of a candidate. It is a distinction for members of the profession—of barristers who have made themselves prominent by long and honourable industry. The call to it is made by a peculiar co-operation of several influences. The person to be called is designated by the judges of the Westminster courts and submitted to the Lord Chancellor, who then sends him, under the authority of the Crown, the offer of assuming the degree. In the community which he leaves, a solemn farewell feed is ordered, for which the person thus distinguished must indeed pay out of his own pocket, even if no other heavy taxes are linked to the honour. It is a curious old custom that the departing member should be presented by the Inn with a gift in the form of a small sum of money. Amidst the ringing of bells he leaves the banquet hall and goes over to his new community. Formerly certain special privileges were annexed to the degree of serjeant. The most important was the exclusive power of pleading before the Court of Common Pleas. This has been abolished in later times, and nothing is left but a peculiar distinction in the dress; the so-called coif, and the post of honour inside the bar of the tribunal. The serjeant has to take a solemn oath of office at his calling, in which he promises always to serve his clients with self-devotion and honour. According to ancient usage, the judges of the Superior Courts of Common Law must be members of Serjeants'-inn. This does not imply that only a serjeant can be called to that post. If the appointment falls on an ordinary barrister, his elevation to the degree, and his reception into the community, are accomplished before he is inducted into this office.

Ireland, treated as a conquered territory, has been from the earliest times subjected by force to English laws and institutions. The constitution of the legal profession, as well as the whole system of judicial administration, is therefore simply modelled upon the English, and are nothing but a faithful repetition of it. Nevertheless, an amalgamation of the institutions of both countries has never taken place in these matters—as it has amongst other things—*ex gr.*, in the representation of the people. The legal system of Ireland, with all its appendages, forms a self-subsisting organization. Beside its own courts of justice, there is, therefore, in Dublin, also a peculiar community of lawyers under the names of King's or Queen's-inns. The jurist usually divides his time of study by entering one of the English Inns of Court for a year or two, and working with a London special pleader conveyancer.

The position of Scotland is different. That kingdom has never lost its own institutions, which are similar to the English in many respects, different in others. The union with England expressly secures to it the maintenance of these. Thus, the Scottish law of private rights is different from the English and related to the Roman law, which has indeed no formal power in its code, as with us, but appears by the spirit of its institutions to be their source. In like manner Scotland possesses its own peculiar juridical constitution, and its special organization of the legal profession. The last is united in one central institution, the so-called Faculty of Advocates, which has its seat in Edinburgh. At the head of this institution is a dean with extensive powers for its current management; he is chosen by the ordinary members of the Faculty. Next to him is a council of administration. Reception into the Faculty is conditional on passing two examinations. The first has for its object only general knowledge, and is excused those who possess in the degree of an English or other university a sufficient guarantee of the education they have enjoyed. The second examination is juridical, the subjects with which an acquaintance is required, are Roman and Scottish law. Here also the requirements are extremely moderate. It is, moreover, customary to write a short dissertation and to have it printed. A full year must elapse between the two examinations, during which the student attends the lectures of the Faculty. After the last ceremony follows the call to be an advocate or proper member of the Faculty, who corresponds in his position and calling to the English barrister. In Scotland also the professional business of lawyers is divided. There the so-called writers to the signet correspond to the English attorneys. But the advocate alone has the right of pleading before the higher tribunals. Judges and sheriffs can be taken from their ranks only, and for

* *Noble* v. *The Bank of England* is really a decision on a clause in the London Small Debts Extension Act, but the words of that clause are precisely similar to those in the section mentioned in the text.

† Translated from Die Genossenschaften der Anwälte in England. Vom Herrn Dr. Julius Hopf, zu Gotha.

many other posts of public administration this station is the best qualification. The profession of advocate is, moreover, of extraordinary consideration, and on that account the degree is acquired by many. The number of members of the Faculty amount at present to between four and five hundred, but only the fourth of these practise as advocates.

Some mention was necessarily made above of the position of English attorneys and solicitors in order to make the advocate's professional sphere of activity clear. The different denominations of these two classes do not indicate a diversity of functions, which are for both those mentioned. The whole difference consists in the tribunals to which they are attached: those acting before the so-called equity courts, or the courts of the Lord Chancellor, are called solicitors, all others attorneys; the corresponding persons in the tribunals where the Roman law is in force are called proctors. With respect to personal consideration, attorneys and solicitors stand to the members of the bar in a similar relation as our actuaries and registrators to the judge. The profits of their profession are, on the other hand, scarcely, if at all, smaller. The popular impression is, that they are well paid, and they have, besides, a right of action for their claims. The constitution of this profession does not enjoy the same independence as that of the advocates in the Inns of Court. The state has, indeed, just as little to do with them. Instead, however, of ruling themselves like the latter, they are subject in all things relating to their calling to the judges, as the authority placed over them. An indispensable condition for entrance on the functions of an attorney or solicitor is a practical period of study, as assistant in the office of an actual practitioner, who for this sometimes receives a fee of several hundred pounds. The time of this apprenticeship is, according to rule, five years, or for graduates of the universities, three years. Moreover, lately, easy examinations in general knowledge, and in the most important legal doctrines, have been introduced, which are conducted by appointed examiners. On fulfilment of these conditions the candidate may obtain from the judges admission into the body of attorneys or solicitors. This is also administered by the judges. This dependence of their business tends to deprive the profession of the high social consideration which accompanies the position of a barrister.

SHIPPING LAW.

Res Adjudicata.

Nelson v. *Couch*, C. P., 11 W. R. 964.

In the *Kalamazoo*, 15 Jur. 885, the Court of Admiralty refused to allow proceedings *in personam* to be engrafted upon a suit *in rem*, and in *The Fortitudo*, 2 Dod. 58, Lord Stowell refused to allow proceedings *in rem* to be taken twice at the suit of the same parties for the same cause of suit. His Lordship, however, seemed disposed to consider that such a splitting of actions would be allowed in the Court of Admiralty upon strong grounds. It is clear from the old cases quoted in Com. Dig. Tit. Action, K. 1, which are by no means overruled by the modern ones on the same subject, that the plea of *res adjudicata* may be successfully pleaded, not only where the cause of action is the same in the second as in the first suit between the same parties, but also where the former action admitted of the second demand being comprised in it. Thus, if A. owes B. £1,000, and B. brings his action for £5, he could not afterwards recover the balance from A. But though the common law rule, exemplified by the cases in Comyn, still remains undisturbed, the doctrines of the Court of Admiralty on the same matter appear to have undergone a change. For the converse of what was refused in *The Kalamazoo* was allowed in *The John and Mary*, Swab. Ad. 471, where a party having succeeded in a cause of collision at common law, was held to be entitled, on the defendant's insolvency, to sue the ship in the Court of Admiralty, even after the ship had been transferred to a third party. It appears, however, from the same case, that if a party commence proceedings at common law in respect of a collision, he cannot, in the first instance, sue the ship also in the Admiralty Court for the same cause. The reason of the distinction is obvious. It is only in the event of either the insolvency of the party or the smallness of the sum realized by a sale of the ship that the claimant can proceed further. But he can do so unless the amount realized by the first suit is the same as is sought for by the second. And this consideration indicates the extent of the operation of the plea of *res adjudicata* in cases where resort may be had either to different judicatures or to different modes of proceeding, such as *in rem* or *in personam*. Where, then, a party may proceed either *in rem* or *in personam*, if he fail to realize the whole amount of his claim in the first mode, the present case is a conclusive authority to show that he may then have recourse for the balance to a personal action, in which the plea of *res adjudicata* will not apply.

Liability of the Owners of Shares in a Ship.

Barker v. *Highley*, C. P., 11 W. R. 968.

The advantages of the system of limited liability, and of the recent alteration by the House of Lords of the old rule of law, which rendered every person participating in the profits of a concern responsible for all the liabilities of a partner, will, we think, be the more clearly understood the longer that the matter forms the subject of investigation. The law of partnership is a branch of the general law of agency, and as the rule of law applicable to partnerships prior to the decision referred to was understood to be based on the ground of public policy, so that it could not be neutralised as regarded third parties by any agreement between the members of a concern, it followed that partners did not often seek to limit their liabilities in respect of third persons, even to the extent to which they might, perhaps, in certain cases have done. The general law of agency indeed remains still unaffected by the decision referred to, and this law may continue very injuriously to affect partners of a concern, which from its nature is usually owned by several, one of whom only superintends its management. This is likely to be especially the case with respect to ships to whose masters and managing owners the most plenary powers of pledging the credit of the whole firm have always been by the law allowed. The liability of an owner, indeed, is, by the 504th section of the Merchant Shipping Act, 1854, limited to the value of the ship. But his interest therein may, as in the present case, consist of only a few shares.

It was held in *Newman* v. *Walters*, 3 B. & P. 612, and has never since been disputed, that salvors, in addition to their maritime lien, might bring an action against the owners. The expenses of releasing a ship when under arrest in the Admiralty Court, are equivalent to a claim for salvage, and if the managing owner raises the funds necessary to meet a claim of this sort the lender has a claim for the amount upon the owners, and if all these but one prove insolvent, then upon that owner alone. So favourable is the law to every claim founded upon a necessary expenditure in respect of a ship that the plaintiff in a cause of collision at common law is entitled, if the defendant proves insolvent, to sue the ship in the Court of Admiralty, even after the ship has been transferred to a third party: O'Dowd. on the Merchant Shipping Act, 1862, App., p. 194. In the present case the plaintiff expended a certain sum in obtaining the release of a ship arrested for collision, and he was held by the Court of Common Pleas entitled to recover the full amount from a person who was the owner of only two out of the sixty-four statutory shares in the ship, the owner of the remaining sixty-two shares having become insolvent. Although numerous cases were cited on both sides, yet the case was, we think, free from all difficulty in respect of its legal phases. The state of our maritime law, however, is indicated by this case to be in an unsatisfactory condition, and the liabilities of the owner of an inconsiderable interest in a ship to be vastly greater than any profit which he could realise on so trifling an interest. From 1846 to 1854, shipowners were liable, under Lord Campbell's Act of the former year, to the full amount of the injury caused by their vessel by collision or otherwise. The 504th section of the Merchant Shipping Act, 1854, conferred upon them the limitation of liability mentioned. But we may ask, why should the

liability of owners be at all greater than the value of their interest?

MARINE INSURANCE—SEAWORTHINESS.

Bouillon v. *Lupton*, C. P., 11 W. R. 966.

There is, on the part of the insured, an implied contract of the seaworthiness of the ship in every contract of marine insurance on voyages, though to time policies this doctrine does not apply. The doctrine of seaworthiness is very clearly explained by Lord Wensleydale in *Riccard* v. *Shepherd*, 14 Moore, P. C. C. 471. The averment that a ship is seaworthy, means that it is in a fit state as to repairs, equipment, and crew, and in all other respects, to perform the voyage insured. But it was laid down by the same noble Lord, in the last-mentioned case, that the assured makes no warranty to the underwriters that the vessel shall continue seaworthy. Neither is a vessel to be deemed to have sailed until she has set out for the port of destination. Thus, in *Ridsdale* v. *Newenham*, 3 M. & S. 456, a vessel had to drop down the St. Lawrence some thirty miles from Quebec, where some of the crew were to be then discharged and others taken in instead, it was held that the ship did not sail from Quebec, and, consequently, if seaworthy at the port down the river it was a sufficient compliance with the contract of insurance. This case and others are quoted in 1 Philips on Insurance, p. 427, in order to show at what point of time in the voyage the question of seaworthiness first arises. In the present case the voyage consisted of various distinct portions, the equipment of the vessel for one portion of which would not be suited to another portion, and the Court held that sufficient preparation for the entire voyage need not have been made when the vessel first put to sea. The case affords a very good elucidation of the common law rule that contracts and documents are to be interpreted reasonably. It also affords a very good instance of what seaworthiness means, where the voyage consists of portions different from one another in respect of the equipment necessary for vessels entering upon each part successively.

COURTS.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Oct. 14.—*Re Johnson.*—The bankrupt was an attorney of Great Marlborough-street, and 19, Arundel-street, Strand.

Mr. *Chidley* applied for release of the bankrupt from custody. A similar application had been made a few days back, but Commissioner Goulburn declined to hear it, because on the 19th of August the bankrupt's application had been refused by Mr. Commissioner Fane, and therefore it was necessary to obtain that Commissioner's assent to Mr. Goulburn hearing it. That assent having been obtained, the case was again brought before the Court.

Mr. *Dowse*, for the detaining creditor, urged that it was unprecedented, and very inconvenient to have an appeal from the discretionary power of one commissioner to that of another. The case presented to Mr. Commissioner Fane was that of a vexatious defence, which that Commissioner considered a gross case, and intimated that the bankrupt ought to remain in prison three months.

The COMMISSIONER said these appeals were inconvenient, and hoped that this case would not be brought into a precedent. Under the 112th section of the Bankruptcy Act, 1849, a vexatious defence was not a ground for preventing a release from custody, and under the new Act it might be urged against the order of discharge. Considering that the bankrupt had been two months in custody, he was now entitled to his discharge.

The bankrupt states his difficulties to have arisen in consequence of law expenses, and insufficiency of income.

Oct. 15.—*In re J. N. Cartwright.*—This was a meeting for examination and discharge under the bankruptcy of Mr. James Nathaniel Cartwright, formerly of Bristol, afterwards of Queen-street, Cheapside, of Abchurch-chambers, and now of 10, Lawrence Pountney-lane, and 3, Grosvenor-villas, Brixton, Solicitor. The statement of the bankrupt's accounts, filed on the 5th of August, shows an unsecured indebtedness of £1,351 with creditors holding security for £420; liabilities on accommodation bills £350; liabilities in connection with a brewery £234; other liabities £81. On the other side of the account are the following items:—debtors good £202; debtors bad £1,194; property in the hands of creditors £209; the property given up to the assignees for the benefit of the estate being returned at 5s. 2d. The bankrupt states his difficulties to have arisen in consequence of insufficiency of professional practice, and losses; and a considerable part of the bankrupt's indebtedness appears to be owing to tradesmen and others resident in and near Bristol, the bankrupt's former place of business. Amongst the creditors holding security appears the name of Mr. Attenborough, pawnbroker, of the Strand, from whom the bankrupt seems to have borrowed £25 in May last upon plate and jewellery. The bankrupt passed his examination; the question of discharge standing over.

(Before Mr. Registrar HAZLITT.)

Oct. 8.—*In re Henry Whitehead.*—The bankrupt described himself as an attorney and solicitor, of 6, Whitehead's-grove, Chelsea, and Warren Farm, Wimbledon. The petition was presented on the 19th of September, by Mr. Gridwood, of Old Jewry Chambers, on the bankrupt's behalf. The bankrupt attributes his failure to losses in profession, want of capital, and pressure by individual creditors. The statement of debts and liabilities has not been added up, but the indebtedness is not of very heavy amount—the principal creditors being Messrs. White & Co., Warehousemen, Cheapside, holding drafts for the full amount of their claim. The only proof presented upon the present occasion, was a small one by a cloth manufacturer; and the 12th of November, at One, was appointed for the examination and discharge.

GENERAL CORRESPONDENCE.

LEASE—DEFECTIVE COVENANT TO PAY RENTS AND HERIOTS.

I do not agree with your correspondent "H.," in your number of the 3rd instant, hereon. We know that no particular technical words are necessary to make *any* covenant; any words which show the parties' concurrence to the performance of a future act will suffice for that purpose. See Woodfall's Landlord and Tenant. The covenant in dispute resolves itself into this:—"He, the said W. F., for himself, his executors, administrators, and assigns, *shall*, during the continuance of the said term, pay to said S. S. A., his heirs and assigns, the yearly rents and heriots hereinbefore reserved." The established rule of construction of deeds is well laid down in 1 Stephen's Coms. 4th ed. p. 501:—"A deed is to be expounded according to the intention, when the intention is clear, rather than according to the precise words used for *verba intentioni debent inservire*; and *qui hæret in litera hæret in cortice*." See, also, *Chapman* v. *Dalton*, Plowd. 289; *Hasker* v. *Sutton*, 1 Bing. 500. It does not, therefore, seem difficult to determine that the intention to pay the rents and heriots is clearly indicated by the words used, and the covenant is consequently a good covenant in law. Where the ambiguity is, of which H. speaks, I am at a loss to discover. If H. means to contend that the formal declaratory words generally made use of by conveyancers, and which are omitted in the covenant in question, are absolutely essential to constitute a covenant *in law*, I should be glad to be referred to an authority establishing that proposition. In any event I submit that J. T. S. has no occasion to apply to a court of equity, as H. advises, because if there is no covenant in this case, the words used will amount to nothing, and the law will then *imply* a covenant, to pay the rents and heriots, as inseparably incident from the nature of the tenancy.

C. H. H.

Oct. 12th.

RIGHT TO TIMBER.

In answer to Z. (*ante* 894), I think it free from doubt that A. and B. are both entitled to the trees as tenants in common. See *Waterman* v. *Soper*, Lord Raymond's Reports, p. 737.

J. N.

The question put by one of your correspondents as to the *right to timber*, is, I think, somewhat interesting. Questions of such a character set us thinking, and thus we collect many scraps of early reading which have been buried in oblivion. It is unfortunate that your correspondent has not, at least it seems so to me, given sufficient materials for an opinion. This I

regret, as I must leave this gentleman to amplify and elaborate his case.

It is by no means uncommon for trees to grow in the "centre of a fence." The description given by your correspondent leads me to infer that the trees in question came within the usual designation of timber trees—i.e., "oak, ash, and elm." If such is the case, I strongly doubt whether such really grow in the *centre of the fence;* and I draw attention to this. Fences are generally, I believe, set up on parcelling out the ground, and must be assumed to be on the boundary line of only one of the farms, as I dare say will be found to be the case if the lands in question are measured. Possibly the fence alluded to may be displaced so as to give the appearance represented by your correspondent. Why not ascertain the facts by admeasurement of the two farms?

The question, is simply one of title, the lands in question being, as it seems, either copyhold or of some customary tenure. Suppose a sale of one of these farms to take place, to whom would these timber trees belong? No judicial sale could be achieved, or conditions of sale be settled, without ascertaining the boundaries of these farms according to the descriptions in the deeds or on the court roll, as the case might be. Moreover, no purchaser could be judiciously advised "to complete" such a purchase till the question had been set at rest. My impression is that the question is simply one of land, which must be settled by the ordinary inquiries as to the site of the trees. The customary arrangements as to keeping up the fence do not, as it appears to me, affect the question. Should it, however, turn out that as a fact the trees in question really grow in the "centre of the fence," they belong, I apprehend, to both landowners, and strictly could only be sold under process of partition. This seems to me to be all that can be said at present on the subject, the question being, as I think, too vaguely stated for an express opinion as to the rights of the landowners. J. CULVERHOUSE.

3, Compton-street. Oct. 13.

PROBATE COURT PRACTICE.

I have heard many complaints of the unnecessary delay and trouble occasioned to solicitors in the issuing of probates and administrations from the new Probate Court, and I regret to say I consider with much truth. Probates which formerly would have been issued in three days cannot now be obtained in a fortnight, the machinery being so complicated, there being no less than four or five departments through which the papers have to go; in either of which departments you are liable to be stopped by the delay, ignorance, caprice, or technical absurdities of one or other of the clerks, to the great annoyance and expense of the applicants and gross injustice to the public.

The officers in the Probate Court, in unopposed cases, appear to misunderstand their duties, and consequently to go far beyond them; in the most simple cases they act as if they were trying the right of the parties applying for probate or administration, and seem to think their duties consist in making the most absurd and technical objections, and throwing all the obstacles in the way they possibly can, forgetting that the main object is to clothe ostensible parties with legal powers, and to protect the revenue.

In our own office we have had considerable practice in the Probate Court, and feel justified in making the above remarks. In a case we now have of the most simple nature, we should have written to our proctor under the old practice making an appointment the same day for the executors to attend and make the usual affidavits for proving the decease and the amount of the property, and we should have had the probate in two or three days at the furthest, while now the matter has been dragging its slow length along for a fortnight, a clerk going every day to see and urge the papers being carried from one department to the other, and is not yet finished, and the probate not positively promised yet for a day or two.

The case referred to is that of General ———. The will is barely six folios in length,and executed exactly in accordance with the requirements of the Wills Act, one word only in the will having been altered, and the appointment of executors is quite regular. The two usual affidavits were made, together with an affidavit verifying the word altered; the papers weredully left with the proper stamps and probate duty stamp, and the probate, therefore, was naturally expected to be delivered in two or three days. But what happened? On going to the office the papers are stopped, because one of the executors, who is described in the will as father of the testator's grand-niece, is not so described in the affidavit. Our clerk contended (and we consider very properly) that this was not necessary. The rules of the Court require that if an executor or administrator is a relation to the testator or intestate, he is to be so described; but in this case it was evident the executor could not be a relation, being, as it was explained, merely the father of the testator's grand-niece. The Probate Office clerk, because of this description, requires additional proof of it and all the affidavits to be re-sworn, an absurdity so glaring that our clerk would not consent to this requisition, and threatening to go before the registrar, the probate clerk consented to take a certificate by us that the executor was what he was described to be by the testator, and insert the description in the affidavits accordingly. Now, I call this technicality and circumlocution with a vengeance. Here was a simple case, where all the papers might have been read through by a clerk in ten minutes and the probate sealed, and the whole business completed in half the number of hours that days have already been wasted in this simple matter. All this time our clients, one from Waterford and the other from Reading, in Berks, are kept in town, prevented from paying the undertaker and tradesmens' bills, and arranging for settling the affairs, because they are delayed in obtaining the probate by which alone they can obtain the funds for the above purposes.

The present system leads to the greatest annoyance to solicitors, additional expense to executors, and is unjust to the public. In all simple unopposed cases like the present there can be no reason for the delay and circumlocution that is now created. One office ought to be established in the Probate Court where such cases might be passed through with as much expedition as under the old practice. In unopposed and palpable straightforward cases like the present, it cannot be the object of the Government to throw obstacles in the way of business and inconvenience the public, but to expedite such cases as much as possible.

An excuse has been made that at this season of the year the offices are shorthanded, many being away for holidays; this ought not to be in this particular department of the Probate Court, because there the press of business must be pretty nearly the same, as people do not leave off dying that clerks may take their holidays. Such an answer as the above would not be very satisfactory from bankers and merchants to their customers, because some of their clerks were holiday-making their business was to be neglected.

I should be glad if any suggestion could be made in your valuable Journal for remedying the above, and as an old subscriber, I remain your obedient servant, C. J. FACHE.

For E. & F. BANNISTER & SELF.

13, John.street, Bedford-row. W.C.

Oct. 10.

BILLS OF SALE.

I should be glad if any of your readers would give me the practice in or refer me to anything decided bearing on the following case:—

A. gives a bill of sale to B. and makes default in payment.

B. levies and removes the goods, and A. pays debt, interest, and costs.

A. asks for bill of sale, but B. declines to give it upon the ground that he has acted on the power of sale, and that it would be material to justify his proceedings, but offers to cancel it and strike out B.'s name. E. M.

Oct. 14.

THE LAW LIST.

It seems to me it would be very convenient if this contained particulars of the predecessors in business of solicitors. For instance—John Jones, 49, King-street, successor of Jones & Smith; Jones, Smith, & Baker; Jones, Noakes, & Styles; and J. J. Jones. How often does one want papers that thirty years ago were in the possession of a solicitor, whose name no longer appears in the *Law List;* and one spends weeks and weeks in a vain endeavour to discover who has his papers. I grant that in the case of many large firms, no such difficulty arises, but a great many solicitors are not members of large firms, and yet have a large amount of business. It would also be a convenience (if my suggestion were followed out), to those who wish to be able to judge of the standing and respectability of a solicitor who is unknown to them. In the case I have supposed, if Jones & Smith were well-known as a most respectable firm, would it not be fair presumption that their successor was the same?

I cannot conceive any objection to my plan, except the difficulty of getting the information, but would not each solicito supply it? P. W. J.

Oct. 15.

APPOINTMENT.

The Chief Justiceship of the colony of Grenada, has become vacant by the death of the Hon. W. D. Davis.

ON LEGAL EDUCATION IN CONNECTION WITH THE INNS OF COURT.

At the recent Leicester meeting of the Metropolitan and Provincial Law Association, Mr. HOPE SHAW, of Leeds, read a paper with the above title, which we regret that our limited space does not enable us to give at length. We have extracted, however, some of the passages, which appear to us to be of greatest interest.

After some preliminary observations, the paper proceeds as follows:—

The question is whether the education of a solicitor should be carried on distinctly from that of the barrister, or under a system common to both till their special destinations require divergence; and the question is confined to legal education. For the general education which, (except in the case of managing clerks for ten years) is preliminary to articles, I do not think that we can have a better security than at present. The candidate must either have taken a university degree, or must pass such an examination as (without being, in my opinion, too stringent) will prove him to have a cultivated mind. Upon this subject I will only add that the examination on general attainments ought by no means to be dispensed with or relaxed in the case of managing clerks of ten years' standing. Its standard is not so high as to prevent any one of moderate education and steady industry from reaching it. It will exclude only the wholly uneducated, or those who, with power to do better, choose to remain in contented ignorance of subjects which every gentleman is expected to know.

Nor does the question mainly relate to that special training which, for the barrister, is carried on in chambers, and for the solicitor, in offices. This is the last, as the attainment of general knowledge is the first, stage in the education of both barristers and solicitors: and it may be necessary, though I am by no means sure of its being so, that at this point their paths should diverge.

But there is an intermediate stage between general literature and special training, in which a knowledge of law as a science should be acquired. This is equally necessary for barristers and solicitors; and the present system of legal education makes no provision for it in either case—at least, none worthy of the name. The training for our branch of the profession is, as we know, wholly in a solicitor's office; and as to the bar, there is no training whatever, unless the attendance at some lectures, not followed up by any compulsory examination, may be so considered. Lord Brougham stated in his evidence before the Committee of the House of Commons, on legal education, in 1846 — "That the Inns of Court have for ages past never affected to educate their members." That some members of the profession, both barristers and solicitors have, by their own exertions, acquired a considerable knowledge of the science, as well as the practice, of law, is undoubtedly true; but it is equally true that, in both branches, many know little more than mere practice. It is to provide a remedy for this defect—so far, at least, as students for the bar are concerned—that the measure for the reform of the Inns of Court is intended; and the question is, whether the benefit of that reform should be confined to one branch of the profession, or be extended to both. That a solicitor, as well as a barrister, should be acquainted with the principles, as well as the practice, of the law, hardly requires proof. In a great majority of cases, especially in country practice, the solicitor's opinion is the client's only guide. He has to deal with a wider range of legal questions than most barristers; for the barrister's practice is generally confined to one court, or one class of courts, while the solicitor has to advise and practise in all. His attainments are not likely to be so complete in any one department as those of the barrister who practises in that department exclusively; but it is highly important that what they want in completeness should be gained in extent. If, therefore, solicitors had no special claim on the Inns of Court, it might well be held material to the public interest that they should participate in the benefit of any scientific legal instruction which may be introduced into them, or established under their direction. But solicitors have a strong claim on another ground. Anciently they were required to be members of some Inn of Court or Chancery (Maugham, Com. Rep. p. 167); the Inns of Chancery being at that time establishments for legal education, to be given by readers appointed by the Inns of Court. Some lingering and rather amusing traces of this practice remained till recent times; but intending my remarks only as heads introductory to a discussion, I refrain from lengthening them by unnecessary details. Suffice it to say that as the Law University which the Inns of Court are expected to propose will be a substitute for those means of legal education which they formerly provided for the whole profession, the admission of solicitors to that university will be no more than a restoration, in another form, of their ancient rights.

Then, would a joint education in legal science be attended with disadvantage to students for the Bar? I have looked through the reports of both the Committee of the Commons and the Inns of Court Commission, and into the evidence before them for any reason to apprehend such disadvantage, but I have looked in vain. I indeed find it stated in the report of the Committee of the Commons that "such a proposition would not be acceptable to the Bar collectively or individually" (Inns of Court and Chancery, Com. Rep. p. 53), and in the evidence of the present Lord Chancellor (then. Mr. Bethell), that even in attending lectures he "objected to the intermixture of attorneys, and clerks to attorneys, with barristers and students for the Bar" (Com. Rep. p. 67, Qu. 778); accompanied, however, with the admission that it was "probably a narrow principle." But neither the committee nor Mr. Bethell suggested any reason for such an objection. And in honourable contrast with this spirit of unreasoning exclusion, stands Lord Brougham's answer to the question:—"How would your Lordship propose to deal with the professional education of solicitors? Would you allow them to profit by the advantages held out to the higher branch of the profession?" The answer was "Decidedly; I would allow them to attend exactly the same classes with the other students. I do not imagine that any of the Inns of Court intend to shut the door against persons not belonging to themselves. I apprehend it is intended to be open to all, and it ought to be open to all" (Com. Rep p. 288, Qu. 3814).

We may, however, bring this question to the test of experience in some countries where the system of joint education prevails.

And, first, we may take the sister kingdom of Ireland, which is the more important, as the relation between the two branches of the profession is the same in that country as in our own. Five witnesses from Ireland (two barristers, two solicitors, and the chief remembrancer of the Irish Court of Exchequer) were examined before the Committee of the Commons. The Irish Inn of Court, the King's Inn, was common to barristers and attorneys; no one (Kennedy, p. 209), indeed, could be admitted an attorney who was not a member of the Inn, and in 1846, it consisted of 1,700 solicitors, 900 barristers, and 400 law students. It was no doubt originally designed for (Kennedy, p. 83) an educational institution, but, like the English Inns of Court, it long ago tacitly abdicated that function. Its benchers were all barristers, and the solicitors feeling the hardship of having to contribute to an institution from which they derived no benefit, and in the management of which they had no share, brought a bill into Parliament in 1838 or 1839 (La Touche, pp. 208-9) to terminate their connection with the King's Inn, and establish an incorporated society of their own, in which legal education was to be a principa object. The bill was abandoned on the opposition of the benchers of the King's Inn; but about the same time the Dublin Law Institute was founded by Mr. Tristram Kennedy and other members of the Irish Bar "for the purpose (as the Commissioners' Report, p. 12, states) of affording a systematic legal education for the purpose to both branches of the profession." This institute was "governed by a council (Report, p. 12) composed (at first) of the most eminent members of the Irish Bar;" but some solicitors (Kennedy, 92) were afterwards added. Its instruction was carried on by classes "in which (Kennedy, p. 90) lectures were delivered by professors in equity, common law, conveyancing, medical jurisprudence, and criminal law." For a few years its progress was successful, but the original grant to its funds from the King's Inn not being renewed, and its other resources falling off, it stood, in 1846 (as the Committee's Report states), "in a precarious position." Want of time has prevented me from ascertaining its subsequent fate. But (whatever that may have been) the experience of its principal founder, Mr. Kennedy, gives great weight to his opinion on the subject of a united education for both branches of the profession. He stated that students (Kennedy, 92) for the profession of solicitor, were admissible to the lectures and ex-

aminations of the institute; that the impression of its members was, that the education for the profession of solicitor was of not less importance to the interests of society than that of barrister; and that the bar in the Law Institute were willing to afford every facility to the other branch of the profession to acquire knowledge through the Institute. And when afterwards directly asked (Kennedy, 93) "Which do you think the more eligible of the two; a distinct society or institute for each profession, or a combined one, such as you have proposed, and, in a great degree, carried into effect?," his answer was "I think that, if properly conducted and carried out, the united institution would be productive of great professional benefits. There is a jealous feeling in existence on the part of the profession of solicitor and attorney towards the profession of the Bar which might be mainly removed by a united society of this description, co-operating for the common interest of all in education." Whether Mr. Kennedy, who naturally regarded the subject from a barrister's point of view, was right in attributing this feeling exclusively or principally to solicitors, it is unnecessary, for our present purpose, to inquire. If it prevails on both sides, that circumstance materially strengthens his argument.

Mr. HOPE SHAW then gave an interesting account of the various systems of legal education in several of the German states, and in America, and proceeded as follows:—

The success of the American system naturally leads us to reflect whether the enforced division of the legal profession into two departments, as in this country, or the voluntary division of labour prevalent in America, is most conducive to the welfare of the public; for the sake of which alone any branch of the profession is entitled to special privileges. I have purposely kept that question distinct from the question of education; because I do not think that they have a necessary, though they may have a not unnatural, connection with each other. Gentlemen who approve of, or do not object to, the present relation between the Bar and solicitors in this country may, without any inconsistency, support a system of joint education for both up to the point where a separate training for each becomes necessary. Those who think (as I do) that a much closer approximation than at present exists between the two branches would be for the real honour and interest of both, as well as for the public advantage, such a system would have the additional recommendation of a tendency to remove the obstacles to that approximation. But I do not think that additional recommendation necessary for the support of a joint educational system. Upon its own merits, independently of that particular recommendation, its claims to support appear to me to be very strong. It was with much pleasure, but without any surprise, that on inquiry as to the course taken by the council of the Incorporated Law Society upon the Inns of Court report of 1855, I found it to be one worthy of the profession and of themselves. I only refer to their resolutions of the 19th of February, 1856, one of which was, that "the establishment of a law university, from which attorneys-at-law and solicitors are excluded, ought to be objected to on their behalf;" and another, that upon "the application for an Act of Parliament or charter for carrying the Inns of Court report into effect, an attempt should be made to prevent the exclusion of articled clerks of attorneys and solicitors from the lectures and examinations required as preliminary to a call to the Bar." They were relieved from that necessity, as the then expected measure was not brought forward; but we may fairly conclude, from the course they took in 1856, that if such a measure be brought forward now, and if the general opinion of the profession should condemn it, the Incorporated Law Society would afford to their professional brethren the benefit of their powerful assistance. I do not question the power of our branch of the profession to provide a separate legal education for the students who wish to enter it, equal to any which any law university to be established by the Inns of Court could provide for students for the Bar. This subject has been ably supported by our friend Mr. Turner; and if a joint system prove unattainable, I hope and fully expect that it would have the cordial support of our branch of the profession. But my impression is, that the interest of both branches, as well as of the public, would be better promoted by one united institution than by two separate ones, which might have a tendency to become antagonistic. This, however, is a question for serious consideration, and I hope that either now or hereafter it will be fully discussed, and that the general opinion of the profession upon it, whatever that opinion, will be pronounced in a manner which cannot be mistaken.

The reading of this paper excited considerable interest, and produced the following discussion:—

Mr. JOHN TURNER, of London, said, that down to comparatively modern times, attorneys were members of the larger Inns of Court as well as the smaller Inns of Court. There was no distinction in point of professional education between one and the other. He had no doubt that the large possessions held by Inns of Court were given for legal education at a time when attorneys were the principal persons to be educated. He thought, if strictly looked into, it would be found that many of those endowments proceeded from attorneys, which had now become as it were the property of, and were applied exclusively to, the members of the bar. That was unjust, and he hoped now that the question was likely to arise again during the consideration of the establishment of a legal university, that they should get a fair share of that which he believed had been taken from them unjustly. After having stated the steps the Incorporated Society had taken with reference to the establishment of a law university, he said it was his intention, encouraged by the gentlemen present, to bring the subject again under the consideration of the society at a special meeting which would be called upon a requisition being signed by members; and he was quite sure the council of that society would feel greatly strengthened by the views that might be taken by the members of that association on that occasion. Nothing could so much tend to the dignity and usefulness of their body as a thorough knowledge of the objections to the law on that great subject. The training of attorneys was not confined simply to law; they had to learn something more; they had to become acquainted with other sciences, because they were called upon to give advice in almost every contingency of human life which affected the interests of mankind. Therefore, he thought they were a body who ought to be more appreciated. At present they had a great deal of drudgery and an immense amount of labour without corresponding honour and remuneration. That was due to the exclusiveness by which the Bar claimed all the honours and thrust themselves forward as possessing all the merit, which was as much due to their profession as to themselves. Under those circumstances he cordially agreed with the sentiments contained in the paper read by Mr. Shaw, and hoped the present meeting would give that support to it which it deserved.

Professor JOHNSON, of Birmingham, said he would take the liberty of referring to one or two of the topics in the present address before he proceeded to the question immediately before them. There was one important observation made which he thought the meeting ought not to lose sight of: it was the duty of the Association to see that the strictness of the examination—especially the preliminary examination—was kept up, because, as they would have observed, there was a tendency on the part of certain members, or intending members of their profession, to drag down that examination or make it less real than it ought to be, and endeavour, if possible, to escape it. If that examination were not to be a reality, the sooner it were abolished the better. That society had always kept it in view that the strictness of the examinations must be kept up and continue a reality, and not be frittered away by evasions, from whatever quarter those evasions might come. He therefore agreed with Mr. Shaw that the practice of publishing the questions ought to be kept up. He thought every young man who went up for examination had a right to have some notion of what he was going to be examined upon. If the final, as the intermediate examination, were confined to the various law text books, they might fairly require the student to know everything within the four corners of those books, and they might fairly pluck him if he failed to answer the ordinary questions; but so long as the final examination was an examination on the five branches of the law, and it was competent for the examiners to frame questions that might task the knowledge of Lincoln's-Inn, he thought the candidates had a fair right to require that the questions should be published. With respect to the certificate duty and the stamp on articles of clerkship, he thought the subject not of very great importance; still he thought the principle of both those things obnoxious. So long as they ensured the student's respectability—as far as money was concerned—they were well, but now they had got a better standard and the right one, that of education, he thought all reason for the continuance of the stamp or the certificate duty was gone. He would now pass on to the important subject of Mr. Shaw's paper—the subject of Legal Education. Without retracing the ground over which he had gone, he should look at the matter from a very different point of view—as a question of principle. He did not suppose any one of them expected that the present legal system was to

last for ever; and if there were anything in the simplification of the law or the codification of the law as proposed by the Legislature, it seemed to point to this result, namely, the making of the law more certain and easy of access, and so diminishing the quantity of litigation. He never expected, or at least thought the time had not yet come, when a man would be able to be his own lawyer, but he did expect, if law reform meant anything, that it meant that law should be rendered certain; not that every labourer should understand what it was, but that every properly educated solicitor should be able to do so. If that were the tendency of modern improvement, what did it lead to? To this, viz., the natural division of lawyers of all classes simply into two,—the man who advocates and the man who gives advice. He was not prepared to say at the present time that the distinction of attorneys and barristers ought to be abolished, but he thought it was clear upon principle that some day or other it would be abolished, and that the natural distinction he had alluded to would take its place; inclination or ability leading one man to prefer chamber practice and another the practice of advocacy. If that were true, and the real division was one of natural ability or natural inclination, and not one of science, why should not both branches be trained alike? Mr. Shaw had properly referred to the practice in America. Those who had read the life of the late Judge Story would recollect that although he finished as Judge of the Supreme Court of the United States, he began his education, as every counsellor in America does, in a solicitor's office, and made his head ache by reading Coke upon Littleton. After he became judge, the employment in which he took most delight was presiding at the law classes in Harvard University, to which all classes of the profession were admitted. The society was composed chiefly of young men from attorneys' offices. The difference between that and the English practice might be judged of by the surprise that would be exhibited were it to be announced in the *Times* to-morrow that Lord Chief Justice So-and-so, or Baron So-and-so, would conduct a class at the Law Institution in Chancery-lane; yet there was no employment in which Judge Story took so great an interest as his law classes, to which both attorneys and counsellors were admitted. If the natural division be the ultimate one, it was necessary that both branches of the profession should, to a certain point, receive the same education; for the attorney had to advise his client upon nine-tenths of the business—especially country attorneys—and had to decide on a greater variety of questions than the barrister. It was therefore of the highest importance not only to the profession, but also to the public, that the attorney should be as well educated in the principles of law as the higher branches of the profession. Therefore upon that principle he could not see what possible objection there could be on the part of the Bar to admit them to the same privileges as themselves. Some gentlemen might ask what was meant by legal education, because it had been said in a popular periodical, when speaking of the value of these lectures, that law could not be taught by lectures, and the dictum of Dr. Johnson had been quoted, who said that you could teach shoemaking by lectures but not law. There was truth in that, for a certain part of a lawyer's profession could not be taught by lectures. If by lectures it was meant that a lecturer should get up and read a laboured essay and then sit down and make a bow to his class, he agreed that would be very useless. He contended, however, that law might be made as interesting as anything else, but to do that a man must avail himself of every possible means of bringing home to his hearers the principles he wished to expound. To convey real elementary information lecturers must not resort to essays, but to the simplest illustrations of which they could avail themselves. If they had lecturers who, to an extensive knowledge of the subject upon which they lectured, could add popularity, he thought he (the lecturer) might become a valuable means of legal instruction. He cordially supported the proposition that in any action they should take in reference to that university, no etiquette on the part of the Bar should be suffered to prevent them asking equal advantages for themselves as for the barristers; and no superstition should preclude them from securing the education of the students by lecturers or any other means which might be devised.

Mr. AVISON, of Liverpool, remarked, as regarded the articles and certificate stamp, he did not want to agitate because his experience told him that the large majority of the House of Commons, the moment the attorney's name was mentioned or an appeal was made to them as regarded the stamp duty, would say, "Let us be off; these fellows are always grumbling; we won't listen to them; the higher the stamp the better, for it insures the smaller number." Practically they found things of this sort. A surgeon about his own age, but of superior standing and position, was sent for by a brother surgeon thirty miles off and he charged £20 for the day. He should like to know what the world would say if any attorney had made such a charge. He also mentioned another case in which a surgeon was summoned as a witness, from Leeds to York, in a case of his own, where he knew he would only get a guinea. The surgeon left Leeds at nine o'clock in the morning, and was back again by four in the afternoon, and he charged £10. He contrasted this with what would be obtained by the attorney, under similar circumstances, and pointed out the temptation there was for a man to expend the money it required to educate him as an attorney—at least £1,500—in something else which answered better in a pecuniary point of view. He argued that they ought to be put on the same footing as the clerical and medical professions, and that while the latter made such charges as he had alluded to, it was unfair to charge their profession with anything extraordinary in the shape of a stamp. He admitted there was some reason for the stamp before the test of education was brought before them, but he thought now, if anything like a revision of the stamp law should come before Parliament, it would be the duty of the Incorporated Law Society to, at any rate, take notice of it. There was another point to which he wished to draw attention—the system of examination. He held they had no right to put those young men who came up for examination upon questions that might range from Coke upon Littleton down to the smallest book the legal student had to study; they ought to be allowed to have any books that were proper for them, but it was a monstrous hardship for a young man who had been hard at work, doing his duty, as an articled clerk, to be subject to an unlimited number of questions, some of which, perhaps, the person who put them did not understand. (Mr. Shaw dissented). He had tried it. He did not like those things to go about; they brought the examiners into contempt. Some of the boys who went up for their preliminary examination were so unaccustomed to that kind of thing, that they felt unnerved, and failed in consequence of having no general notion of the subjects they were going to be examined upon. True, there was a better opportunity for those who were going up for their final examination; but still if it were understood upon what they were going to be examined, their education would be prepared for it. Another objection to that course was that it was little better than cramming, but of that he was unable to judge. As regarded the fee question, he hoped it would be set at rest; they were trying to do so. He thought their anxiety should not be only as to what they should charge, but also to get their expenses reduced. If the examinations should be conducted satisfactorily, and continued in the country, it seemed to him to be of great importance that they should all go upon one system. He hoped that they would be more extended, because it was a very serious expense where persons had to go a distance for them. As regarded the question to be talked about next session, he strongly urged the Incorporated Society and the Metropolitan and Provincial Association to consider that. Was it not true that the bar had got the control of funds which did not belong to them? If so, let them tax them broadly with it, and make them disgorge the fees that were originally intended for their branch of the profession.

Mr. LIVETT, of Bristol, asked what good would result from the practical working of the proposed university, to which it should be expected or required that persons who were preparing to be attorneys, as well as attorneys who were preparing to be barristers, should attend for examination. The main object of a university was to provide education for students; secondly, to test their education by examination, and to signify their efficiency by degrees. He could understand the examination and degrees, but he could not so easily understand the function of the university, as applied to attorneys, especially those who were in the country. Professor Johnson had referred to lectures as being desirable in a university course; and he could understand that with regard to medicine, where the education was not confined to lectures by a professor, but was carried on by practice, as shown in surgical operations, and there was also practice at the bed side—that was carrying out a perfect system of education, but how was that to be done in law? How was practice to be received in the university? As conveyancing practice was to be had only in the office; so forensic practice was to be had only in the courts of law. He did not see how the examination was to be carried on in the university. He should like to know, what he did not at present realise, the course of young men preparing for practice at the university; but he had no doubt it had been considered. However, there

was something more desirable than the increase of attorneys. Improvement was necessary; and they were aware that great improvement had taken place during late years. The preliminary examinations, he said, unquestionably tended to raise the standard of professional and other education among the young men, and he viewed it as a great means of securing the moral and social respectability of their profession.

Mr. COOKSON, in responding to a general call, said that what had already been said had expressed his sentiments fully upon the subject. If he had anything to say it would be by way of explanation of the course taken in the examination of young men. With reference to the preliminary examination, he thought it was by no means more strict than it ought to be, and he had no apprehension that it would be relaxed in any degree. With respect to intermediate examination, the young men were informed in what books they would be examined. He had himself been examiner twice or three times in the department of conveyancing, and had always confined himself to asking questions out of the book indicated. He expected a young man, who had been well educated, would be prepared to answer the questions put to him. Then, again, the examiners put fifteen questions to the young men, and they were satisfied if the majority of them were answered. With respect to the final examination, he admitted that difficult questions were put sometimes. It was said that young men were unaccustomed to the examination, and became nervous, and could not do themselves justice. He must say that he had never seen the papers of any young man who was rejected, whom any sensible and rational solicitor would have admitted. If a young man answered all the fifteen questions—which he was happy to say many did—he got one hundred and fifty marks; if he got half that number he would pass. When he first became a member of the Council of the Incorporated Law Society, the rule laid down by the common law judges was, that a young man should pass in common law. It was also required by the Master of the Rolls that the young men should pass in equity. They were also examined in criminal law and bankruptcy, and were required to pass in one of these three last subjects, as well as in the two first mentioned. He was of opinion that conveyancing was quite as important as the other two; or even more so in its influence upon society; and the council had now made conveyancing also indispensable. He contended that no young man's rejection could be attributed to nervousness, but only to ignorance.

The CHAIRMAN (Mr. Shaen), before asking Mr. Shaw to reply, wished to to say a word or two. The result of the discussion thus far, he said, seemed to him to make it pretty clear that it would be wise for the council, and for the committee, to consider that they would be best supported in future by the profession if they agitated, not for the repeal of the oppressive taxation to which they were subject, but for a continued improvement in their educational and social status. He thought they might take it for granted, that if they once succeeded in putting themselves on the level to which they felt entitled with regard to the Bar on the subject of education, other matters would follow of themselves, and sooner or later they should in that way have places of honour and emolument thrown open to them; and it would then be extremely difficult to maintain an invidious taxation. The question of the tax was not now one of great importance, it was an injustice, and he did not think, in case any gentleman brought the question of the stamp laws before Parliament, it would do to remain silent. He trusted they would go for that which they thought, on the whole, was the right thing, independently of whether ultimately they would have to accept something less. He expressed himself in favour of the views expounded by Mr. Shaw, relating to the education of barristers and attorneys commencing together and afterwards branching off, and hinted that they should be aided in that matter by the Incorporated Society, to which they should lend all the assistance in their power in claiming a full and free admission for all branches of the profession to a law university, if such were ever established.

Mr. LIVETT asked if the attendance of the students would be compulsory at the proposed university; if so, it would be a serious thing to all young men in the country, who would have to attend two or three times a year.

Mr. MARRIOTT, of Manchester, thought they would greatly support the exertions at the final and intermediate examination, if they, as attorneys, did their duty to their articled clerks. As a rule they were left almost without any attention, and were permitted to go through the office and to pick up what information they could, and were supposed after a certain period to be able to pass their examination. If attorneys were honest, and asked themselves how many hours they had devoted to their articled clerk during the five years of the young man's career, they would, in many cases, be able to count them on their fingers. He thought they often omitted doing their duty from want of thought, and an inclination to go on in the course their predecessors pursued, and so neglected their duty. He urged them to fulfil their trust like honourable men, as they were bound to do.

Mr. SHAW said he had very little to say, because there had hardly been any objections made to the proposition he had advanced. He agreed with the observations of the gentleman who last addressed them, that much greater attention than was now paid to articled clerks was equally due to the clerks and to themselves. With regard to another question, as to how far the inns of court were justified in withholding benefits from attorneys, he thought that the attorneys had a just claim and strict right—a moral right, at all events—to a participation in the benefit of those funds. There should be a correct history of the inns of court, especially in relation to their endowments. He was not aware that such a history existed, and hoped some gentleman present would prepare one or induce somebody else to do so.

Mr. COOKSON observed that it had been stated the intermediate examination was confined to questions out of specified works; but he did not think that it would be desirable to extend the final examination. He considered the object of the examination was to test the fitness of the person to go immediately into the practice of his profession. When he entered upon the practice of his profession, his clients did not consult him as to the contents of books, but upon a variety of questions, which they had to deal with without any notice whatever. The object of the final examination was to try if the young man was equal to those duties. He did not think that end would be attained by pointing out any particular book or subject, but by directing his attention to all those subjects in which, in the course of his profession, he would be called upon to act. With regard to the intermediate examination, he said no young man was postponed merely for failing to answer what had been called the difficult questions on conveyancing. If any one did not succeed in passing that examination, he had failed in some other department besides conveyancing. He thought that those questions which it was necessary for the young man to answer to ensure passing, should be so framed as to enable a young man, if at all qualified, to pass; but at the same time that somewhat more difficult questions ought to be introduced with those, that they might have a test of the degree of proficiency of the candidates; more especially when they considered that at the examination which followed prizes and marks of distinction were awarded, which was another reason why a man should do more than answer a few easy questions. That principle he had endeavoured to pursue, but did not know whether he had succeeded in carrying it out correctly; it was well known to be the sound and correct one As to the question with regard to the proposed university, Mr. Livett had asked whether it was suggested that the attendance and instruction in the Law University should be compulsory. Decidedly not; such an intention had never entered into his contemplation; but those who attained a certain degree in the university should have their articles of clerkship somewhat shortened. It was intended to give precisely the same education at the proposed university as that conferred at the Law Institution at Dublin.

OBITUARY.

LORD LYNDHURST.

The daily journals of the past week have contained such copious and interesting memoirs of the great law lord whose long and brilliant career came to a termination on Monday morning last that our readers are doubtless familiar with all its striking incidents and most interesting features before this time. We shall therefore not attempt to do more than record without comment some of the principal facts in the life of Lord Lyndhurst. He was born on the 21st of May, 1772, at Boston, Massachusetts, whither his father had emigrated from Ireland In 1774, two years before the Declaration of Independence, Mr. Copley the father came to this country, bringing with him his wife and children, of whom the future Lord Lyndhurst was one. Young Copley was originally destined for his father's profession, and for some time attended the lectures of Reynolds and Barry. At nineteen he entered Trinity College, Cambridge, where he greatly distinguished himself in Mathematics

and took his degree as second wrangler—the senior wrangler of the year being Dr. George Butler, the late Dean of Peterborough. Mr. Copley in due time became a fellow of his college, and was appointed travelling bachelor of the University, in connection with which appointment he visited his native soil, after its connection with this country had been severed. He attained the age of thirty-two years before he was called to the Bar, which took place at Lincoln's-inn, on the 8th of June, 1804. He was the pupil of Mr. Tidd, the celebrated special pleader, whose chambers produced, besides Lord Lyndhurst, three law lords—Lords Denman, Cottenham, and Campbell. Mr. Copley joined the Midland Circuit, of which Sir Samuel Romilly and Mr. Percival were then members, and assumed the coif in 1813. It was not until 1817, however, that he first attracted any great share of public attention; when he was engaged in conjunction with Sir Charles Wetherell as counsel for James Watson, the elder, who was indicted for high treason. He was returned as member for Yarmouth in the Isle of Wight, in 1818, and soon obtained notice in the House of Commons. In the same year he exchanged this borough for that of Ashburton, in Devon, which he represented till 1826. In 1819 he became Solicitor-General, and in that capacity rendered great service to his party both in Parliament and out of it. 1820 saw the culmination of his forensic fame. That was the year of the Cato-street conspiracy trial, and of Queen Caroline's case before the House of Peers. On the appointment of Sir Robert Gifford to the Chief Justiceship of the Common Pleas, Sir John Copley became Attorney-General — on the 14th of September, 1826, he was appointed to the mastership of the Rolls; and on the 2nd of May, 1827, became Lord Chancellor upon the resignation of Lord Eldon, having been a few days before created Baron Lyndhurst, of Lyndhurst, in the county of Hants. On the 15th of February, 1830, the Ministry resigned, Lord Grey succeeding to the Premiership, when Lord Lyndhurst accepted an arrangement by which he was made Chief Baron of the Exchequer in the room of Chief Baron Alexander, and he discharged the duties of that office down to November, 1834, when, upon the resignation of Lord Brougham, he again held the Great Seal for a few months. On the 3rd of September, 1841, he was called to the woolsack for the third time, and remained there until July, 1846, when he was succeeded by Lord Cottenham, after which time he passed almost wholly out of the sphere of lawyers, but acquired his greatest celebrity as an orator and statesman. As a law lord his peculiarity when contrasted with his noble peers, was his indifference to the reputation of a law-reformer. For clear conception and lucid statement he was without rival; but viewed merely as a lawyer, he could hardly be considered equal to some of those who survive him. He was twice married, and in the second instance to Miss Goldsmith, on the 5th of August, 1837. He had issue by both marriages, but his only surviving children are three daughters, married respectively to Mr. H. J. Selwin, Mr. Hamilton Beckett, and Mr. Charles Ducane.

UNIVERSITY INTELLIGENCE.

CAMBRIDGE.

The Regius Professor of Laws and the Downing Professor of the Laws of England will lecture according to the following programme, during the ensuing term:—

The subjects on which the regius professor will lecture are: —I. International Law.—1. The causes that led to the war with America (1812), especially (*a*) the rule of the war of 1756; (*b*) blockade; (*c*) the right of search. 2. The Treaty of Ghent, 1814. The text books used will be "Wheaton's Elements of International Law," edition of 1863; "Manning's Law of Nations;" and "Histoire des Traités de Paix," par. 1, Schœll. II. Roman Law.—(*a*) The "Institutes of Justinian," Book 1; (*b*) the second book of the "Digest," especially the titles "De Jurisdictione," "De in Jus vocando," "De edendo," and "De Transactionibus." Candidates for the Professorial Certificate, in addition to the matter delivered in the lectures, will be examined in "Wheaton's Elements of International Law," vol. ii., part 4, chap. 3 (Rights of War as to Neutrals), and "Justinian's Institutes," book i.

The Downing Professor will lecture on "the Subjects of Examination for the Law Tripos of 1863."

First lecture of the Regius Professor, Tuesday, November 3; first lecture of the Downing Professor, Tuesday, October 20.

LAW STUDENTS' JOURNAL.

INTERMEDIATE EXAMINATION.

The examiners appointed for the Intermediate Examination of persons under articles of clerkship to attorneys have appointed Thursday, the 12th of November next, at half-past nine in the forenoon, at the Hall of the Incorporated Law Society, in Chancery-Lane, for the purpose. The examination will commence at ten o'clock precisely, and close at four o'clock.

Articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, must be left with the secretary on or before Monday, the 26th of October.

Candidates under the 4th section of the Attorneys Act, 1860, may on application obtain copies of the further questions relating to the ten years' service antecedent to the articles of clerkship.

On the day of examination papers will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Common Law; 2. Conveyancing; 3. Equity; 4. Book-keeping.

In cases where articles and testimonials have been deposited at the institution, they should be re-entered, the fee paid, and the answers completed to the time appointed for the examination.

FINAL EXAMINATION.

The examiners appointed for the examination of persons applying to be admitted attorneys, have appointed Tuesday the 10th and Wednesday the 11th of November next, at half-past nine in the forenoon, at the Hall of the Incorporated Law Society, in Chancery-lane, for that purpose. The examination will commence at ten o'clock precisely, and close at four o'clock each day.

Articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, and the certificate* of candidates having passed the Intermediate Examination, must be left with the secretary on or before Saturday the 31st of October.

Candidates under the 4th section of the Attorneys Act, 1860, may, on application, obtain copies of the further questions relating to the ten years' service antecedent to the articles of clerkship.

Where the articles have not expired, but will expire during the term, or in the vacation following such term, the candidate may be examined conditionally; but the articles must be left on or before the 31st of October, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them as to the time served with each respectively.

On the first day of examination papers will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary. 2. Common and Statute Law, and Practice of the Courts. 3. Conveyancing.

On the second day further papers will be delivered to each candidate, containing questions to be answered in—4. Equity, and Practice of the Courts. 5. Bankruptcy, and Practice of the Courts. 6. Criminal Law, and Proceedings before Justices of the Peace.

Each candidate is required to answer all the preliminary questions (No. 1); and also to answer in three of the other heads of inquiry—viz., Common Law, Conveyancing, and Equity. The examiners will continue the practice of proposing questions in Bankruptcy and in Criminal Law and Proceedings before Justices of the Peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

In cases where articles and testimonials have been deposited at the institution, they should be re-entered, the fee paid, and the answers completed to the time appointed for the examination.

PUBLIC COMPANIES.

MEETINGS.

Berks and Hants Railway.

At the half-yearly meeting of this company, held on the 30th

* This certificate is to be produced by those candidates who entered into articles after 1st of January, 1861.

ult., a dividend at the rate of £2 per cent. per annum was declared for the past half-year.

DUNBLANE, DOUNE, AND CALLANDER RAILWAY.

At the half-yearly meeting of this company, held on the 30th ult., a dividend at the rate of 2 per cent. per annum was declared for the past half-year.

FORTH AND CLYDE JUNCTION RAILWAY.

At the half-yearly meeting of this company, held on the 29th ult., a dividend at the rate of £2 per cent. per annum was declared for the past half-year.

WEST SOMERSET RAILWAY.

At the half-yearly meeting of this company, held on the 30th ult., a dividend at the rate of 2½ per cent. per annum was declared for the past half-year.

WITNEY RAILWAY.

At the half-yearly meeting of this company, held on the 30th ult., a dividend at the rate of 2½ per cent. per annum was declared for the past half-year.

PROJECTED COMPANIES.

THE DISCOUNT CORPORATION (LIMITED).

Capital £2,000,000, in 20,000 shares of £100 each.

Solicitors—Messrs. Flux & Argles, 9, Mincing-lane.

This corporation is established to aid the monetary arrangements of the increasing commercial interests of Great Britain and its dependencies.

THE LAND MORTGAGE BANK OF INDIA (CREDIT FONCIER INDIEN) LIMITED.

Capital £2,000,000, in 100,000 shares of £20 each.

Solicitors—Messrs. Freshfield & Newman.

This company has been formed for the purpose of granting loans upon the security of landed property in India.

At the sitting of the St. Albans County Court, a week or two ago a person named Crisp brought an action against a Mrs. Sarah Pitkin for the recovery of £15. As the defendant was in the service of Lady Glamis, the plaintiff's solicitor proposed to call that lady, who was seated on the bench to the left of the judge, to give evidence as to the amount she paid the defendant. When Mr Earle—the solicitor—mentioned the name of Lady Glamis she said; What Mrs. Pitkin has said as to what I have paid her is quite correct. Mr. Earle required her ladyship to be sworn to give evidence on the point. Lady Glamis: I decline to take an oath; what I have said is right. His Honour: The law prescribes a certain form in giving evidence, and all ranks of society, from the Queen upon the throne to her most humble subject, are expected to conform to the law. There is a provision made to meet the case of the people called Quakers and others who object to oaths on religious grounds. Do you belong to the Quakers? Lady Glamis (smiling): Oh, no, I am not a Quaker, and I do not object on any religious grounds; but I shall not take an oath on such a frivolous matter. His Honour: My lady, now be advised by me and be sworn. If you know nothing more on the matter than has been said you can be sworn, and then say so. Lady Glamis: I am very firm. I shall take no oath; my word is as good as my oath. I think it would be a desecration, and taking God's name in vain in such a case. His Honour: Certainly, the word of every good man ought to be as sacred as his oath; but the law requires that evidence should be given on oath, and I cannot take it otherwise. Mr. Earle: I certainly require that Lady Glamis should be examined in the way the law prescribes, and I am greatly surprised that she refuses. His Honour: I am not only surprised but grieved that your ladyship refuses to do what the law requires of you. You set a sad example to those in more humble stations in society, and I must beg of you to leave this court. Her ladyship immediately left the court.

The late Mr. F. Hinde, M. A. Oxon, son of Mr. Hinde, formerly a solicitor at Liverpool, has bequeathed a sum of £1000, free of legacy duty, to the funds of the Liverpool Royal Infirmary.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

CHAMPION—On Oct 13, at Moira Lodge, Denmark-hill, the wife of Chas. Champion, Esq., of Ironmonger-lane, Cheapside, Solicitor, of a son.

COLLINS—On Oct 12, at Satis House, Yoxford, Suffolk, the wife of W. A. Collins, Esq., Q.C., of a daughter.

DEATH.

LYS—At her residence, 26, Connaught-terrace, W., Miss Sarah Pell Lys, youngest daughter of the late Thomas Lys, Esq., Solicitor, Took's-court, aged 73.

UNCLAIMED STOCK IN THE BANK OF ENGLAND.

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BOOTHBY, HENRY, of Louth, Gent., deceased. £77 19s. 2d. Consols.—Claimed by Ellen Boothby, Widow, sole executrix.

RUMNEY, WILLIAM, Gloucester-terrace, Kensington New Town, deceased. £100 Consols. Claimed by George Rumney, administrator.

BURNELL, JOHN, Whitechapel-road, Esq., WILLIAM POSTON COMPTON, Camberwell, Esq., EDWARD CHARLES ELDRUP, Somerset House, Esq., and JOHN BURNELL, jun., High-st, Whitechapel, Esq. £150 Consols. Claimed by Charles Salisbury Butler, James Holbert Wilson, Charles Heaton, and Charles Henry Simmonds.

THRUPP, MARIA ANNA, of Hamilton-terrace, St. John's-wood, Spinster. £500 Consols.—Claimed by John Thrupp and Charles Joseph Thrupp, the executors.

ESTATE EXCHANGE REPORT.

AT THE MART.

Oct 6.—By Messrs. DANIEL SMITH, SON, & OAKLEY.

Freehold, Siduum Farm, in the parishes of Barton and Chetwode, Buckinghamshire, comprising Farmhouse, Barn, &c., and about 53 acres of grass land, together with a piece of arable and grass land, about 13 acres. Sold for £3950.

By Messrs. DRIVER.

Leasehold, ground rents amounting to £177 10s. per annum, arising from iron foundries, dwelling-houses, and other premises, in the Grove, Southwark.—Sold for £1060.

Freehold and copyhold building land, Teddington, 3 acres.—Sold for £630.

Copyhold building land, about 4 acres, Teddington.—Sold for £520.

Freehold building land, about 2 acres, Teddington.—Sold for £290.

Freehold building land, about 4 acres, Teddington,—Sold for £790.

Freehold building land, about 2 acres, Teddington.—Sold for £310.

Freehold building land, about 3 roods, Twickenham.—Sold for £320.

Oct. 7.—By Mr. WILLIAM BROWN.

Copyhold, "Hare's" Garden Plantation, Tring, Herts, containing about 17 acres, filled with larch and other timber.—Sold for £2,700.

Oct. 8.—By Messrs. C. C. & T. MOORE.

Leasehold residence, No. 30, Approach-road, Victoria-park, with Builder's premises, &c., in the rear.—Sold for £970.

Leasehold house and shop, No. 137, Whitechapel-road.—Sold for £790.

Leasehold seven houses, being Nos. 1 to 4, South-street, and Nos. 12 to 14, Wells-place, Camberwell.—Sold for £630.

Leasehold three houses, Nos. 19 to 21, Nelson-street, Stepney.—Sold for £270

Freehold house, No. 23, Eastfield-street, Limehouse.—Sold for £130.

Freehold four houses, Nos. 124 and 125, Eastfield-street, and Nos. 1 and 2, Prospect-place.—Sold for £230.

Leasehold dwelling-house, No. 1, Martha-street, St. George's, East.—Sold for £75.

Oct. 9.—By Messrs. RUSHWORTH, JARVIS & ABBOTT.

Freehold estate, comprising villa residence, with stabling, pleasure grounds, orchard, meadow land, etc., containing in the whole, nearly 24 acres, situate at Whitechurch, Oxfordshire.—Sold for £9280.

By Mr. FRANK LEWIS.

Leasehold warehouses, situate Nos. 30, 31, & 32, London-wall, term twenty-two years from 1862, ground rent £300 per annum, let for 530 per annum.—Sold for £1210.

Freehold three plots of building land—plots 155, 156, & 157, on the Rectory estate, Ealing, fronting Blandford-road.—Sold for £100.

Freehold plot of building land on the Brockley Hill Estate, Forest-hill.—Sold for £70.

Freehold, a similar plot of building land.—Sold for £45.

Freehold ground rents, amounting to £26 per annum, severally on Nos. 1, to 4, Hardy's-terrace, Hounslow, now let at £76 per annum, term 99 years, from Christmas 1858, with reversion to rack rents.—Sold for £505.

Oct. 12.—By Messrs. F. & A. MELLERSH.

Freehold estate, known as High Loxley, situate in the parish of Ramsfold, Surrey, comprising farm house, labourer's cottage, agricultural buildings, and about 215 acres of arable, meadow, and wood land.—Sold for £6,900.

Freehold, West End farm, situate in the parish of Chiddingfold, Surrey, comprising farm house, buildings, &c., and about 194 acres of arable, pasture, and wood land.—Sold for £3,400.

Freehold and small part leasehold estate, known as Ramsnest Farm, at Chiddingfold, comprising farm house, labourer's cottage, buildings, &c., and about 257 acres of arable, meadow, and wood land.—Sold for £5,400.

Oct. 13.—By Messrs. DEBENHAM & TEWSON.

Freehold residence, Soho Lodge, St. Ann's hill, Wandsworth-common, producing £70 per annum.—Sold for £1,220.

By Mr. ROBINS.

Freehold, The Woodlands Estate, near Battle, Sussex, comprising residence, grounds, pleasure farm, plantations, &c., altogether about 250 acres.—Sold for £5,000.

Oct. 14.—By Messrs. EDWIN FOX & BOUSFIELD.

Leasehold estate, known as Queenwood, in the parish of East Tytherley, Hants, comprising a mansion surrounded by about 500 acres of arable and woodlands, with homestead, bailiff's house, two residences, gasworks, &c., term 75 years, unexpired, at a rental of £376 per annum, and underlet for a term of 21 years, from March, 1847, at £60 per annum.—Sold for £2800.

Oct. 15.—By Mr. MARSH.

The absolute interest in five-sixth shares of the freehold property known

as Downe's Wharf, Lower East Smithfield, with warehouses and premises thereon, and The St. Andrew's public-house adjoining; also a leasehold interest in the remaining one-sixth.—Sold for £27,000.
Freehold, two houses, with shops in High-street, Homerton, and a piece of buil ding land in the rear.—Sold for £1,490.
Leasehold, three residences, Nos. 4, 5, and 6, Victoria-terrace, St. Donatt's-road, Deptford, producing £120 per annum; term 99 years from March, 1855; ground rent £12 per annum.—Sold for £980.

AT GARRAWAY'S.

Oct. 5.—By Messrs. P. & J. Belton.

Leasehold, the Royal Oak wine and spirit establishment, Barking-road, Essex.—Sold for £3,000.
Leasehold, the Ship wine vaults, Little Tower-st, City.—Sold for £1150.
Leasehold, the Cock, public-house, Old-street, St. Luke's.—Sold for £1,100

LONDON GAZETTES.

Professional Partnerships Dissolved.

Tuesday, Oct. 13, 1863.

Freston, Anthony Wm, & Francis Jas Watt, Coleman-st, London, Attorneys and Solicitors. Aug 5. By mutual consent.
Mendham, W. L., & A. Tillett, Attorneys and Solicitors, Norwich. Oct 1. By mutual consent.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Friday, Oct. 9, 1863.

Barker, Geo, Farnham, Essex, Farmer. Nov 5. Richardson, Much Hadham, Herts.
Blackburn, Wm, Wakefield, York, Butcher. Oct 31. Burrell, Wakefield.
Curtis, Francis Edw Curtis, Accountant-General's office, Chancery-lane, late of Lower-rock-gdns, Brighton. Nov 11. Berkeley, Gray's-inn-sq.
Darlington, Jos, Coppull, Lancaster, Gent. Nov 9. Stanton, Chorley.
Gregory, Martha, Carlton-hill, St John's-wood, Middlesex. Nov 6. Parke & Pollock, Lincoln's-inn-fields.
Owen, Rchd, Leamington Priors, Warwick, Gent. Nov 10. Wright, Leamington Priors.
Pass, Sml, Sheffield, Iron Merchant. Nov 9. Vickers, Sheffield.
Skingley, Sml, Little Coggeshall, Essex, Brewer. Stevens & Beaumont, Coggeshall.
Walker, Wm, Ecclesfield, York, Haberdasher. Nov 9. Vickers, Sheffield.

Tuesday, Oct 13, 1863.

Baldwin, Wm Hill, Wilden, Worcester, Ironmaster. Nov 23. Jones & Son, Worcester.
Burchett, Margaret, Bagshot, Surrey, Widow. Nov 24. Andrews, Bagshot.
Johnson, Jos, Feckenham, Worcester, Schoolmaster. Nov 1. New & Co., Evesham.
Macpherson, Francis, King William-st, Bookseller. Nov 13. Hughes, Bedford-st, Covent-garden.
Milburn, Jos, Newcastle-upon-Tyne, Ironmonger. Nov 16. Watson, Newcastle-upon-Tyne.
Porteous, Jas, Hexham, Gardener. Nov 11. Baty Hexham.
Prytherch, Thos, Ruthin, Surgeon. Nov 16. Peers, Ruthin.
Rogers, Harriet, Chalford-hill, Bisley, Gloucester, Widow. Dec 1. Marson & Co, Bridge-st, Southwark.
Rogers, Robt, Chalford-hill, Bisley, Gloucester, Gent. Dec 1. Marson & Co, Bridge-st, Southwark.
Shanks, Wm, Bishop Auckland, Wine Merchant. Dec 23. Apple & Proud, Bishop Auckland.
Sheldon, John Thos, Yardley, Worcester, Gent. Dec 1. Hodgson & Son, Birm.
Small, John, Walmgate, York, General Dealer. Dec 1. Phillips, York.
Ward, John, Isle of Portland, Yeoman. Nov 30. Howard, Weymouth.

Assignments for Benefit of Creditors.

Friday, Oct. 9, 1863.

Wearne, Thomasine, Ponsanooth, St Gluvias, Cornwall, Widow. Sept 29. Genn, Falmouth.

Tuesday, Oct. 13, 1863.

Hawtin, Ewd Ollif, St John-st, Clerkenwell, Bookseller. Sept 28. Sole & Co, Aldermanbury.

Creditors under Estates in Chancery.

Last Day of Proof.

Friday, Oct. 9, 1863.

Hensman, Hy, Huntercombe-end, Oxford. Nov 2. Phipps v. Hensman, V. C. S.

Deeds registered pursuant to Bankruptcy Act, 1861.

Friday, Oct 9, 1863.

Allen, Jas, Chesterfield, Derby, Grocer. Sept 16. Asst. Reg Oct 7.
Bale, Thos, Lenton Farm, Kingsnympton, Devon, Yeoman. Sept 11. Conv. Reg Oct 5.
Blessed, Jabez, Glamford Briggs, Lincoln, General Dealer. Sept 16. Asst. Reg Oct 7.
Boorne, Benj, Red-hill, Surrey, Stationer. Sept 25. Conv. Reg Oct 5.
Brunner, Adolphe, Newgate-st, Importer of Foreign Goods. Sept 18. Asst. Reg Oct 6.
Bryan, Wm, Stourbridge, Worcester, Grocer. Sept 21. Conv. Reg Oct 8.
Butler, Thos, Shoreditch, Draper. Sept 14. Asst. Reg Oct 8.
Clarke, Chas, Towcester, and Beech-st, Barbican. Shoe Dealer. Sept 22. Conv. Reg Oct 8.
Coleman, Edmund, & Edmund Chas Coleman, Latcham, Wedmore, Somerset, Tailors. Sept 11. Conv. Reg Oct 8.
Cook, John, South Shields, Tailor. Sept 14. Conv. Reg Oct 9.
Davies, Wm, Conway, Draper. Sept 12. Conv. Reg Oct 9.
Duckwood, Squire, Heywood, Lancaster, Grocer. Sept 16. Conv. Reg Oct 9.
Grooms, Jos, Coventry, Watch Manufacturer. Sept 16. Conv. Reg Oct 8.
Haines, John, Wantage, Berks, Builder. Sept 16. Conv. Reg Oct 6.
Hargreaves, Rbt, & John Hargreaves, Lpool, Builders. Sept 30. Comp. Reg Oct 8.
Hayes, Hy Seymour, Upper Sydenham, Oil and Colourman. Sept 23. Comp. Reg Oct 7.
Jackson, John, Whitehaven, Builder. Sept 21. Conv. Reg Oct 6.
McKellop, Rbt, North Shields, Shipowner. Sept 14. Conv. Reg Oct 6.
Parker, Joshua, Clay-cross, Derby, Colliery Deputy Manager. Sept 29. Asst. Reg Oct 7.
Percival, John, Birm, Accountant. Sept 25. Conv. Reg Oct 7.
Roden, Edw, Lpool, Lithographer. Oct 2. Conv. Reg Oct 7.
Smith, Rbt, Euston-rd, Bedstead Maker. Oct 3. Asst. Reg Oct 9.
Taylor, Wm, Manch, Provision Merchant. Sept 18. Asst. Reg Oct 9.
Van Abbott, Geo Washington, Howford-bldgs, Fenchurch-st, Merchant. Oct 5. Asst. Reg Oct 6.
Walker, Wm Geo, High-st, Chatham, Chemist. Sept 9. Conv. Reg Oct 7.
Wightman, Hy Christopher, Worcester, Ladies' Outfitter. Sept 17. Conv. Reg Oct 8.
Willis, John Frdk, Leamington Priors, and Llandudno, North Wales, Draper. Sept 18. Asst. Reg Oct 8.
Winfield, Wm, Macclesfield, Silk Manufacturer. Sept 25. Asst. Reg Oct 6.
Yandall, Wm, Gunnislake, Calstock, Cornwall, Grocer. Sept 10. Conv. Reg Oct 7.

Tuesday, Oct. 13, 1863.

Armstrong, Benj, Wolverhampton, Victualler. Sept 12. Asst. Reg Oct 9.
Barben, Wm, Accrington, Grocer. Sept 15. Asst. Reg Oct 12.
Broadbent, Rchd, Marsden, Huddersfield. Innkeeper. Sept 22. Conv. Reg Oct 13.
Browning, Sml John, Portsmouth, Optician. Sept 15. Asst. Reg Oct 12.
Buckell, Hy, Banbury, Draper. Sept 14. Conv. Reg Oct 12.
Coney, Hy, Tottenham-ct-rd, Shoemaker. Sept 17. Conv. Reg Oct 12.
Davies, David, Ebbw-vale, Monmouth, Grocer. Sept 12. Asst. Reg Oct 10.
Deacon, Jas, Windhill, York, Cloth Maker. Sept 17. Asst. Reg Oct 10.
Drake, Geo Hudson, Trowbridge, Beer Seller. Oct 1. Comp. Reg Oct 9.
Edgecumbe, Geo, Chippenham, Grocer. Sept 16. Conv. Reg Oct 12.
Farmer, Jas Wm, Birm, Leather Dealer. Oct 5. Asst. Reg Oct 9.
Hammond, Jas, Lpool, Plasterer. Oct 5. Comp. Reg Oct 10.
Hardy, Thos, Wolverhampton, Com Agent. Sept 23. Conv. Reg Oct 10.
Harris, Geo, Lpool, Tailor. Sept 12. Asst. Reg Oct 9.
Havelock, Wm, North Shields, Innkeeper. Sept 17. Comp. Reg Oct 13.
Hawtin, Ewd Ollif, St John-st, Clerkenwell, Bookseller. Sept 28. Asst. Reg Oct 12.
Jessop, Geo, Southampton, Builder. Sept 19. Asst. Reg Oct 12.
Keiley, John Robt, Savage-gdns, London, Commission Agent. Oct 6. Comp. Reg Oct 9.
Lambert, Daniel, Cromer-st, St Pancras, Engineer. Sept 12. Arrt. Reg Oct 10.
Lewis, Evan, Lantrissent, Glamorgan, Innkeeper. Sept 15. Comp. Reg Oct 12.
Marks, Barnard, Poultry, London, Merchant. Oct 10. Comp. Reg Oct 12.
Martin, Wm, Sheffield, Warehouseman. Oct 8. Conv. Reg Oct 12.
Mason, John, Runcorn, Shipbuilder. Sept 30. Comp. Reg Oct 9.
Newsome, Wm, Mirfield, York, Draper. Sept 25. Conv. Reg Oct 13.
Nicoll, Donald, Lower-marsh, Lambeth, Cheesemonger. Oct 1. Comp. Reg Oct 8.
Paul, Hugh Jas, Manch, Engineer. Sept 23. Asst. Reg Oct 10.
Phillips, Wm, & Edw Thos Hembden, Guildford, Grocers. Sept 30. Asst. Reg Oct 12.
Purvis, Geo, Jupp's-ter, Commercial-rd, Middlesex, Boot Maker. Oct 3. Comp. Reg Oct 13.
Rutter, Randle, Willenhall, Stafford, Lock Manufacturer. Sept 15. Asst. Reg Oct 10.
Seeley, Leonard, Torquay, Bookseller. Sept 16. Conv. Reg Oct 13.
Shackleton, Cornelius, Windhill, York, Dyer. Sept 14. Conv. Reg Oct 8.
Shaw, Jas, Knowe, Saddleworth, York, Woollen Cloth Manufacturer. Aug 20. Comp. Reg Oct 9.
Shaw, Wm, Brookfoot, near Brighouse, York, Overlooker. Sept 12. Asst. Reg Oct 10.
Shenton, Thos, Stafford, Shoe Manufacturer. Sept 12. Asst. Reg Oct 10.
Spencer, John, Lpool, Plumber, &c. Oct 10. Comp. Reg Oct 13.
Stafford, Thos, jun, Ashton-under-Lyne, Builder. Asst. Reg Oct 10.
Young, Hy, Broadway, Westminster, Leather Seller. Sept 11. Asst. Reg Oct 10.

Bankrupts.

Friday, Oct. 9, 1863.

To Surrender in London.

Arkle, John Wm, Bell-alley, Goswell-st, out of business. Pet Oct 5. Oct 21 at 11. Gole, Lime-st.
Bignell, Allen Archer, Croydon, Licensed Victualler. Pet Oct 6. Oct 21 at 12. Burgon, Martin's-lane, Cannon-st.
Blyde, Geo, Lebanon-pl, Walworth-common, Surrey, General Dealer. Pet Oct 8. Oct 21 at 1. Wright, Chancery-lane.
Cadwell, David Queen's-rd, Walworth, Farrier. Pet Oct 6. Oct 22 at 12. Buchanan, Basinghall-st.
Dalsh, John, jun, Shanklin, Isle of Wight, Grocer. Pet Oct 3. Oct 23 at 12. Harrison & Lewis, Old Jewry.
Fordham, Geo, College-pl, King's-rd, Chelsea, Builder. Pet Oct 6. Oct 21 at 1. Hill, Basinghall-st.
Forster, Chas John Julius, 61 Tower-st, Commission Agent. Pet Sept 12. Oct 21. Samuel, Samuel, & Emanuel, New Broad-st.
Gibbins, Wm, Raglan-pl, Kentish-town, Painter. Pet Oct 5. Oct 21 at 11. Ablett, Newcastle-st, Strand.
Hall, Sidney, Herbert-st, New North-rd, Watch Maker. Pet Oct 7. Oct 22 at 1. Wells, Moorgate-st.
Harris, Alfred, Landseer-rd, Upper Holloway, Commission Agent. Pet Oct 3. Oct 21 at 11. Ablett, Newcastle-st, Strand.
Hart, Chas, Murray-st, New North-rd. Cigar Dealer. Pet Oct 8 (for pau). Oct 22 at 11. Aldridge.
Haydon, Chas, Alpha-ter, Kilburn, Lodging-house Keeper. Pet Oct 6. Oct 21 at 1. Field, Ely-pl.
Hodgson, Saml Haygarth, Chichester-rd, Kilburn, Attorney's Clerk. Pet Oct 7. Oct 22 at 12 Norton, Clifford's-inn.
Joyce, Walter, Oxford-st, Mantle Manufacturer. Pet Oct 7. Oct 23 at 12. Beard, Basinghall-st.
Lundgren, John, America-sq, Ship Broker. Pet Oct 6. Oct 29 at 11. Heathfield, Lincoln's-inn-fields.
Nash, Edw Bean, King William-st, Tailor. Pet Oct 6. Oct 23 at 11, Marshall & Son, Hatton-garden.

Parry, Wm John. Grafton-st, Globe-fields, Mile-end, Carman. Pet Oct 1. Oct 21 at 11. Hill, Basinghall-st.
Perrott, Jas Warren, Southampton-st, Pentonville, Saddler. Pet Oct 3. Oct 21 at 11. Drew, New Basinghall-st.
Phillips, Hy, Norfolk-st, Strand, Master Mariner. Pet Oct 7. Oct 22 at 1. Harrison & Lewis, Old Jewry-chambers.
Pinnell, Chas Jas, Baring-st Hoxton, Chair Maker. Pet Oct 6. Oct 21 at 12. Medcalf, Tokenhouse-yd.
Simmonds, Margaret, Eaton-ter, Wells-st, South Hackney, Monthly Nurse. Pet Oct 6. Oct 29 at 11. Heathfield, Lincoln's-inn-fields.
Stanton, Jas Shepherd Smith, May-cottage, Elizabeth-st, Hackney-rd. out of business. Pet Oct 7. Oct 21 at 12, Fisher, Earl-st, Blackfriars.
Wing, Chas, Church-st, Greenwich, Corn Dealer, Pet Oct 6. Oct 21 at 1. Shiers, New-inn, Strand.

To Surrender in the Country.

Allen, Jas, Tipton, Stafford, Saddler. Pet Oct 7. Birm, Oct 23 at 12. James & Griffin, Birm.
Appleyard, Saml, and Edwin Parkin, Leeds, Curriers. Pet Oct 2. Leeds, Oct 22 at 11. Simpson, Leeds.
Askew, Joseph, Crawleyside, Durham, Licensed Victualler. Pet Oct 1. Walsingham, Oct 22 at 10. Hutchinson, Stanhope.
Barraclough, Jas, Openshaw, Lancaster, Iron Founder. Pet Sept 30. Manch, Oct 28. Leigh, Manch.
Barsted, Wm, Hardwick-next-North Runcton, Norfolk, Market Gardener. Pet Oct 7. King's Lynn, Oct 30 at 11. Ward, King's Lynn.
Baskerville, Peter, Burslem, and Geo Baskerville, Etruria, Stafford. Flint Grinders. Pet Sept 23. Birm, Oct 21 at 12. Mason, Furnival's-inn, and Rawlins & Rowley, Birm.
Bird, Danl, Worcester, Leather Seller. Pet Oct 5. Birm, Oct 21 at 12. Wright, Birm.
Brant, Thos, Aston, Warwick, Grocer's Assistant. Pet Oct 1 (for pau). Birm, Oct 21 at 12. James, Knight & Griffin, Birm.
Brightman, Joseph, Clophill, Bedford, Market Gardener. Pet Oct 6. Ampthill, Oct 23 at 10. Stimson, Bedford.
Brittain, Hy, Wolverhampton, Grocer. Pet. Wolverhampton, Oct 27 at 12. Walker, Wolverhampton.
Cowling, Major, Harrogate, Mason. Pet Oct 7. Knaresborough, Oct 21 at 10. Harle, Leeds.
Craddock, John Kempsey, Worcester, Miller. Pet Sept 30. Worcester, Oct 20 at 11. Wilson, Worcester.
Curtis, Richd, Lincoln, Journeyman Joiner. Pet Oct 5. Lincoln, Oct 19 at 11. Brown & Son, Lincoln
Finch, Francis Jas, Norfolk-st, Southsea, Schoolmaster. Pet Oct 6. Portsmouth, Oct 31 at 11. Paffard, Portsea.
Harrald, Wm, Dereham-rd, Heigham, Norwich, Wholesale Milliner. Pet Oct 6. Norwich, Oct 22 at 11. Sadd, Norwice.
Harrison, Hy, Vyse-st, Birm, Engraver. Pet Oct 2. Birm, Oct 26 at 10. Duke, Birm.
Heaton, Hy, Hunter-st, Lpool, Ironmonger's Assistant. Pet Oct 6, Lpool, Oct 19 at 3. Grundy, Princess-st, Manch.
Hornsby, Geo, Charles-st, Gateshead, Commission Agent. Pet Aug 22. Gateshead, Oct 20 at 12. Scaife & Britton, Newcastle-upon-Tyne.
Kettle, Jonathan, South-st, Derby, Journeyman Miller. Pet Sept 19. Derby, Oct 22 at 12. Leech, Derby.
Knowles, Jas, Brown-st, Salford, Innkeper. Pet Oct 5. Salford, Oct 24 at 2.30. Nuttall, Manch.
Lerry, Wm, Portland-st, Aston, Artist. Pet Oct 6. Birm, Oct 26. Ladbury, Birm.
Marston, John, Dog and Partridge Inn, Wolverhampton. Pet. Wolverhampton, Oct 27 at 12. Langman, Wolverhampton.
Measey, Richd, Coleman's-row, Cardiff, Cowkeeper. Pet Oct 6. Cardiff, Oct 20 at 11. Goodere, Cardiff.
Medland, Hy, Moretonhampstead, Devon, Tailor. Pet Sept 29. Exeter, Oct 23 at 1. Fryer, Exeter.
Mengedoht, Brownlow-st, Lpool. Pet Oct 7. Lpool, Oct 20 at 3. Henry, Clayton sq, Lpool.
Moore, John, Pocklington, York, Draper. Pet Oct 7. Leeds, Oct 22 at 11. Bond & Barwick, Leeds.
Newsome, Saml, Earl-st, Coventry, Haberdasher. Pet Oct 2. Coventry, Oct 22 at 3. Griffin, Coventry.
Parker, John, Langley, Derby, Colliery Agent, Pet Sept 21. Belper, Oct 22 at 12. Jessop, Ilkeston.
Payne, Wm Percy, Sevenoaks, Kent, Newspaper Proprietor. Pet Oct 6. Tonbridge, Oct 22 at 11. Stenning, Tonbridge.
Phillips, Morgan, Glamorgan, Maltster. Pet Oct 6. Bristol, Oct 23 at 11. Popkin, Bridgend, and Abbott, Lucas, & Leonard, Bristol.
Phillips, Robt, Mardol, Shrewsbury, Photographer. Pet Oct 5. Shrewsbury, Nov 9 at 10. Clarke, Shrewsbury.
Riso, Michael Constantine, Manch, Merchant. Pet Oct 6. Manch, Oct 19 at 12. Sale, Worthington, Shipman, & Seddon, Manch.
Rohrs, Augustus Louis, Birm, Ivory Worker. Pet Oct 5. Oct 23 at 12. East, Birm.
Stathard, John, Magna Charta Tavern, New Holland, Lincoln, Licensed Victualler. Pet Oct 7. Barton-upon-Humber, Oct 20 at 11. Chester, Hull.
Taylor, Thos, Newcastle-under-Lyme, Coach Builder, Pet Oct 7. Newcastle-under-Lyme, Oct 22 at 10. Litchfield. Newcastle-under-Lyme.
Tempest, Jas, Bradford Woolstapler. Pet Oct 6. Leeds, Oct 22 at 11. Bond & Barwick, Leeds.
Thompson, Jas, Harley st, Fratton, Portsea, Sail Maker. Pet Oct 5. Portsmouth, Oct 31 at 11. Paffard, Portsea.
Totterdell, Thos Jennnings, Westford, out of business. Pet Oct 1. Wellington, Oct 17 at 10. Rodham, Wellington.
Wall, Wm, Westbromwich, Labourer. Pet Sept 14 (for pau). Oldbury, Oct 26 at 10.
Wilkinson, Wm, Market-st, Bradford, Haircutter. Pet Oct 2. Bradford, Oct 19 at 10.30. Dawson, Bradford.
Williams, Evan Thos, St Martin's-row, Birm, Brewer. Pet Oct 2. Birm, Oct 26 at 10. Palmer, Rugeley.
Woods, Geo John. St Gregory's, Norwich, Currier. Pet Oct 6. Norwich, Oct 22 at 11. Sadd, Norwich.

TUESDAY, Oct. 13, 1863.
To Surrender in London.

Archer, Ambrose, High Easter, Essex, Tailor. Pet Oct 10. Oct 23 at 12. Hillearry, Fenchurch-bldgs.
Bailey, Robt Harmer, Portlwnd-pl, Cambridge-rd, Middlx, Tailor. Pet Oct 10. Oct 28 at 11. Buchanan, Basinghall-st.
Bennett, Thos Tomlinson, Broad-st, Golden-sq, Decorator. Pet Oct 12. Oct 23 at 2. Ablett, Newcastle-st, Strand.
Benns, Wm, Woodbridge, Suffolk, Miller. Pet Oct 10. Oct 23 at 2. Shirreff & Son, Fenchurch-st, and Pollard, Ipswich.
Bregazzi, Benj, Fashion-st, Spitalfields, Looking Glass Frame Maker. Pet Oct 7. Oct 23 at 11. Abbott, Great Mark-st.
Fowler, Oliver Humphrey, King-st, Snow-hill, Medical Student. Pet Oct 12 (for pau). Oct 28 at 12. Aldridge.
Garstin, Mary, Upper Norwood, Widow. Pet Oct 13. Oct 29 at 2. Lewis & Lewis, Ely-pl.
Greenhouse, John, High-st, Shoreditch, Outfitter. Pet Oct 10. Oct 28 at 11. Sole & Co, Aldermanbury.
Grimes, Susannah Frayling, Aston-pl, Holloway-rd, Victualler, Spinster. Pet Oct 10 (for pau). Oct 29 at 1. Aldridge.
Knight, Hy, Oxford-st, Westminster, Tobacconist. Pet Oct 10. Oct 23 at 12. Hare, Basinghall-st.
Lovell, John, Brice Saunders, and Wm Daniel Saunders, New-sq, Minories, Wine Merchants. Pet Oct 10. Oct 29 at 12. Juckes, Basinghall-st.
Midwinter, Chas, Lucas-pl, Commercial-rd, East, Watchmaker. Pet Oct 8. Oct 22 at 1. Hill, Basinghall-st.
Moses, Woolf, Brighton-pl, Brixton-rd, China Dealer. Pet Oct 12. Oct 28 at 11. Silvester, Great Dover-st.
Pearce, Geo, Ower, nr Romsey, Farmer. Pet Oct 10. Oct 28 at 12. Paterson & Son, Bouverie-st, London, for Mackey, Southampton.
Pickard, Sarah Ann, Hatton-garden, Dealer in Watches. Pet Oct 7. Oct 28 at 11. Miller & Smith, Chatham-pl.
Pound, John Danl, Charles-ter, Hackney, out of business. Pet Oct 10. Oct 29 at 1. Hales, Gracechurch-st.
Roberts, Joseph, Penton-st, Walworth, Business Agent. Pet Oct 8. Oct 22 at 1. Wells, Moorgate-st.
Southey, Jas, Northampton-rd, Clerkenwell, Grocer. Pet Oct 9. Oct 23 at 12. Marshall & Son, Hatton-garden.
Strange, Edmund, London-st, Paddington, Boot Maker. Pet Oct 12. Oct 28 at 12. Smith, Wilmington-sq.
Swanson, Rice Brooks, Odessa-rd, West Ham, out of business. Pet Oct 12. Oct 28 at 12. Wetherfield, Moorgate-st.
Walters, Wm, London-rd, Southwark, out of business. Pet Oct 9. Oct Oct 23 at 12. Munday. Essex-st.

To Surrender in the Country.

Brown, Jas, St Helen's, Lancaster, Victualler. Pet Oct 9. Lpool, Oct 26. at 11. Anderson & Collins, Lpool.
Cook, Jas, Birm, Cab Driver. Pet Oct 10. Birm, Oct 26 at 10. Shakespeare, Oldbury.
Davenport, Ebenezer Walker, Litchurch, Derby, Chemist. Pet Oct 10. Derby, Oct 28 at 12. Borough, Derby.
Dawson, Geo, Kirkburton, Huddersfield, Shopkeeper. Pet Oct 9. Leeds, Oct 29 at 11. Cariss & Tempest, Leeds.
Day, Edwin, Bristol, Butcher. Adj Sept 29 (for pau). Bristol, Oct 30 at 12. Brittan, Bristol.
Frost, Thos, Macclesfield, Builder. Pet Oct 10. Manch, Oct 29 at 12. Parrott & Co, Macclesfield.
Hawking, David Arthur, Truro, Cabinet Maker. Pet Oct 5. Falmouth, Oct 14 at 11. Moormau.
Hitchinor, Jas, Walsall, Brass Dresser. Pet. Walsall, Oct 28 at 12. Duignan & Lewis, Walsall.
Hobbs, John, Longhope, Gloucester, Innkeeper. Pet Oct 7. Newnham, Oct 26 at 10. Smallridge, Gloucester.
Hopkins, John, Llangattock, Brecon Blacksmith. Pet Oct 9. Crickhowell, Oct 29 at 11. Davies, Crickhowell.
Jump, Wm, Stockton-on-Tees, Rope Manufacturer. Pet Oct 8. Stockton-on-Tees, Oct 26 at 12. Hunton, Stockton.
Leeds, Geo, Feltwell, Norfolk, Veterinary Surgeon. Pet Oct 6. Thetford, Oct 27 at 11. Walpole, Northwold.
Little, David Thos, Ware, Baker. Pet Sept 30. Hertford, Nov 9 at 11. Armsrrong, Hertford.
Locke, Geo Wm, New Brompton, Kent Surgeon. Pet Oct 7. Rochester, Oct 27 at 3. Hayward, Rochester.
Maddock, Rigby Jas, Everton, nr Lpool, a non trader. Adj Sept 15. Lpool, Oct 26 at 3. Evans & Co, Lpool.
Mather, Chas, Hulme, Manch. Grocer. Pet Oct 1. Manch, Oct 28 at 12. Richardson, Manch.
Meredith, Wm, Wolverhampton, Fishmonger. Pet Oct 8. Birm, Nov 2 at 12. Underhill, Wolverhampton, and Green, Birm.
Perry, Wm Andrew, Dudley, Commission Agent. Pet Oct 6. Dudley, Nov 2 at 10. Parry, Birm.
Plant, John, Lower Whitley, Chester, Beerseller. Pet Oct 7. Warrington, Oct 29 at 11. Day, Warrington.
Ramsden, Geo Wm, Bradford, Stuff Dealer. Pet Oct 12. Leeds, Oct 29, at 11. North & Sons, Leeds.
Robinson, Richd, Tarns, Holme Cultram, Cumberland, Potato Dealer. Pet Oct 7. Wigton, Oct 27 at 12. Wannop, Carlisle.
Rowland, John, Chester, Carpenter. Pet Oct 7. Chester, Oct 30 at 10. Cartwright, Chester.
Shaw, David, Huddersfield, Hosier. Pet Oct 12. Leeds, Oct 29 at 11. Haigh, Huddersfield, and Bond & Barwick, Leeds.
Smerdon, Herman, Harpford, Devon, Farmer. Pet Oct 10. Honiton, Oct 24 at 12. Floud, Exeter.
Taylor, Geo, Westbromwich, Mine Agent. Pet Oct 8. Westbromwich, Oct 29 at 10. Jackson, Westbromwich.
Veal, Wm, Birm, Victualler. Pet Oct 9. Birm, Nov 2 at 12. Marshall, Birm.
Warrener, Brenchley, Kent, Assistant to a Draper. Pet Oct 8. Maidstone, Oct 24 at 11. Stenning, Tonbridge.
Woodward, Hy, Kidderminster, Coal Merchant. Pet Oct 8. Birm, Oct 30 at 12. Batham, Kidderminster.
Wright, Alfred Chas, Southampton, Builder. Pet Oct 6. Southampton, Nov 13 at 12. Mackey, Southampton.

BANKRUPTCIES ANNULLED.

TUESDAY, Oct. 13, 1863.

Coney, Hy, Tottenham-ct-rd, Boot Maker. Oct 1.
Mason, John, Runcorn, Ship Builder. Oct 7.

BANKRUPTCIES IN IRELAND.

Moore, Wm, Drogheda, Grocer. To surr Oct 20, and Nov 6.
Luttrell, Edw, Clifden, Galway, Ironmonger. To surr Oct 13 and Nov 6